REPORT RESUMES

ED 003 765 64
FINDINGS AND DISCUSSION ON STATE LAWS DEALING WITH THE USE OF AUDIOVISUAL INSTRUCTIONAL AIDS IN THE PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, VOLUME II MONTANA - WYOMING.
BY- CONNELLY, JOHN W., JR.
CONELLY, JOHN W., JR., WASHINGTON, D.C.
REPORT NUMBER NDEA-VIIB-106-A-1 PUB DATE 31 JUL 62
CONTRACT OEC-2-16-003
EDRS PRICE MF-$1.26 HC-$33.92 848P.

DESCRIPTORS- *STATE LAWS, *AUDIOVISUAL AIDS, PUBLIC SCHOOLS, INDEXES (LOCATORS), DISTRICT OF COLUMBIA

THIS IS VOLUME II IN A COMPILATION OF STATE LAWS ON THE USE OF AUDIOVISUAL INSTRUCTIONAL AIDS IN THE PUBLIC SCHOOLS. VOLUME I IS ED 003 767. (JK)

ED003765

STATE LAWS ON THE USE OF AUDIO-VISUAL INSTRUCTIONAL AIDS IN THE PUBLIC SCHOOLS

No 1

Vol. II Montana - Wyoming

by John W. Connelly, Jr.
Contract OE-2-16-003

July 31, 1962

[redacted]

Findings and Discussions on State Laws Dealing with the Use of Audio-Visual Instructional Aids in the Public Elementary and Secondary Schools

Volume II Montana - Wyoming

By

John W. Connelly, Jr.
Contract OE-2-16-003

U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
Office of Education
This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated do not necessarily represent official Office of Education position or policy.

MONTANA (1959-60)

Enrollment in full-time public schools:	
Elementary	109,164
High School	35,834
Number of school districts (including non-operating)	1,067
Number of elementary schools	1,513
Number of high schools (including junior high)	193
Expenditure per pupil in average daily attendance	$411

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

MONTANA

County and Independent School Superintendencies

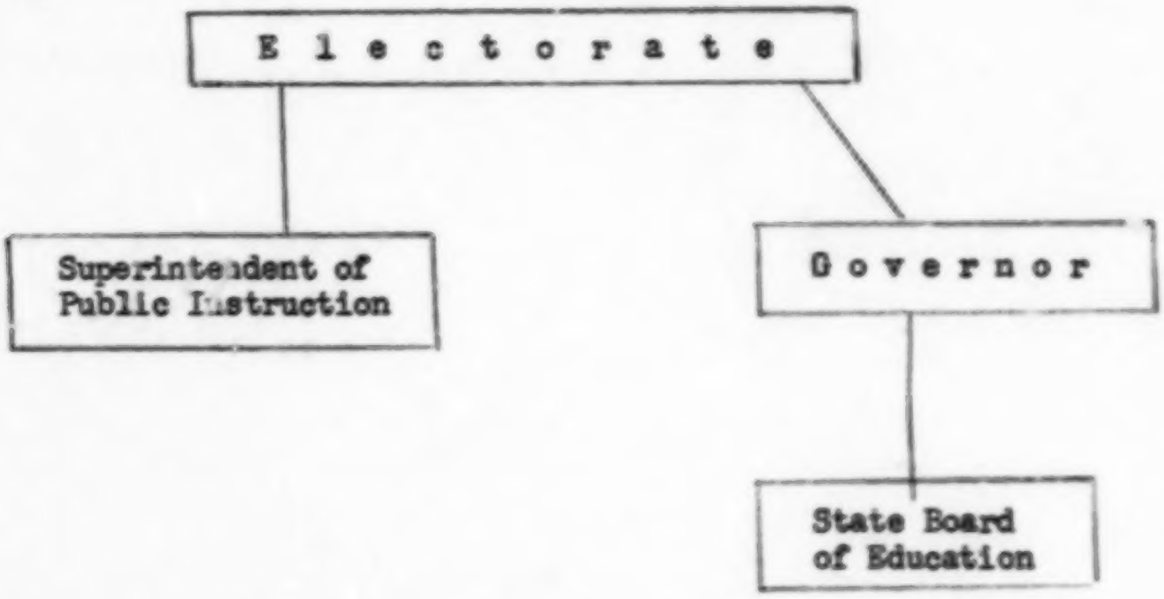
There are 245 school superintendencies in the State: 56 county-intermediate superintendencies, 9 county high school superintendencies, and 180 independent city or town superintendencies. The 9 county high school superintendencies are supervised by principals. Superintendents of the 56 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 122.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 98-100.

MONTANA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 11 members--the governor, the superintendent of public instruction, and the attorney general ex officio plus 8 persons appointed by the governor by and with the advice and consent of the senate. The appointed members are equally divided between the 2 congressional districts of the State of Montana, and are so selected that not more than 4 such members are affiliated with the same political party or organization. Appointive members hold office for overlapping 8-year terms, 1 being chosen each year.

The State board of education is authorized by law to appoint an advisory committee to provide assistance on matters relating to vocational education. The committee consists of 4 citizens of Montana and the State superintendent of public instruction, or a person designated by him. Of the 4 citizens appointed, 1 is to be a representative of the manufacturing and commercial interests, 1 a representative of the agricultural interests, 1 a representative of skilled labor, and 1 a representative of homemaking interests. The advisory committee meets upon the call of the State superintendent of public instruction.

b. Supplementary programs

State Board of Land Commissioners (administrative).--Consists of 4 ex officio members, the governor, the superintendent of public instruction, the secretary of State, and the attorney general. The board has the direction, control, leasing, and sale of school lands of the State and of lands granted for the support and benefit of the various State educational institutions.

3. Chief State School Officer

The State superintendent of public instruction is a constitutional officer in the executive department of the State government. He is elected on a partisan ballot by the qualified electors of Montana for a 4-year term. To be eligible for the position of State superintendent a person must (a) be 30 years of age at the time of his election, (b) have resided within the State for the 2 years preceding his election, and (c) be the holder of a State certificate of the highest grade issued in some State and recognized by the Montana State board of education or be a graduate of some university, college, or normal school recognized by the State board of education as of equal rank with the University of Montana or the State normal school.

7. Coordination of the State Education System Through Structure

The State superintendent of public instruction and the State board of education are jointly responsible for the coordination of the State program of public elementary and secondary education.

8. Coordination of the State Education System Through Ex Officio Memberships

The State superintendent of public instruction, the governor, and the attorney general are ex officio members of both the State board of education and the State board of land commissioners.

9. Fiscal Coordination

Two educational agencies submit budgets to the State controller. They are the State superintendent of public instruction and the State board of education. The controller is appointed by the governor, by and with the advice and consent of the senate, for an 8-year term. The law of Montana directs that the controller shall examine budget requests for the purpose of determining the necessity of the appropriations requested; he supervises and assists in the preparation and revision of a tentative budget for each office, department, bureau, commission, institution, and agency, based upon the appropriations request received therefrom and upon his studies of the operations, plans, and needs thereof. The controller then prepares the revised and final budget, together with his recommendations, which he submits to the State legislative assembly at the time it convenes.

Add

Section 75-1319 - Statesuperintendent of public instruction is authorized to make general surveys of school facilities of state for purpose of determining the adequacy ofstate and local resources tomeet present and future school facilities requirements. State superintendent of publicinstruction also authorized to request and use such funds as are now or will be made available under any act of Congress, or otherwise, to accomplish such purposes.

Add

Section 75-1320 - State superintendent of public instruction,with approval of state boardof education,shall appoint one elementary supervisor for the state, with duty to inspect and supervise work of the elementary schools and to report from time to time such information concerning same as state superintendent of public instruction may require. Duties not to be in conflict with duties of rural school supervisor. Elementary supervisor to have at least the qualifications required by law for a county superintendent and to hold office for such term and at such salary as state superintendent with approval of state board may fix.

MONTANA

(School Laws of Montana, Annotated, 1961.)

Summary of State Education Organization

State Board of Education

Section 75-101 - State board of education shall consist of eleven members, with governor, state superintendent of publicinstruction and attorney general included as ex officio members. Sec. 75-102 - Remaining eight appointed by governor, by and with advice and consent of senate.

Section 75-104 - Governor is to be president of state board of education, superintendent of public instruction to be secretary and state treasurer treasurer of the board. Board may also elect a chairman from the appointed members to serve in absence ofgovernor and elect other necessary officers.

Section 75-107 - Pertinent powersand duties:

4. Prescribe standards of promotion tothe high school department of all public schools of the state and to accredit high schools. Board is to act upon recommendation of state superintendent of public instruction.

8. ~~5~~. to make annual report. May be printed under direction of state bd. of examiners.

9. To appoint teachers as instructors in county institutes.

(Other duties relate to six units of state university system.)

Public schools - Superintendent of Public Instruction

Section 75-1301 - Superintendent of public instruction to be chosen by the qualified electors of the state at the time and place of voting for members of the legislature.

Section 75-~~1301~~ 1302 - Superintendent of public instruction to have general supervision of the public schools of the state. Sec. 75-1303 - Superintendent appoints official staff and is head of department of public instruction.

Section 75-1304 - Superintendent keeps all books, maps, charts, works on education, reports, other articles of educational interest and value, etc., and turns same over to his successor.

Section 75-1309 - Superintendent prepares reports to governor preceding biennial session of ~~for~~ legislative assembly re financial and educational condition of schools.

Section 75-1311 - He prepares, with cooperation of educators named by state board, courses ofstudy for elementary and high schools.

Section 75-1312 - Prescribes with approval of state board rules for and assists at teachers' institutes.

Section 75-1313 - Counsels with and advises county superintendents on all matters involving the welfare of the schoolsl

Section 75-1315 - Apportions the state school fund among the several counties in proportion to number of children of school age.

Section 75-1316 - Prepares lists of publications approved by him as suitable for school libraries.

Section 75-1320 - Appoints elementary supervisor for the state to supervise and report on work of elementary schools.

[Add]
Section 75-1516 - County superintendent shall apportion all school moneys to the school districts. Shall certify to district clerks and county treasurer the amount so apportioned to the several districts and trustees shall draw their warrants on county treasurer in favor of persons entitled to receive same. Such warrants to show for what purpose money is required and no warrant to be drawn unless there is money in the treasury to the credit of such district. School trustees have authority to issue warrants in anticipationof school moneys levied but not collected for payment of current expenses of schools, but such warrants not to be drawn in any amount in excess of the sum already levied.

Add under "School Trustees"

[Add]
Section 75-1602 - In districts of first class, number of trustees shall be seven, in districts of second class, number of trustees shall be five, and in districts oftheir class number of trustees shall bethree.

[Add]
Section 75-1624 - Board of trustees of each school district shall have custody of all school property belonging to the district and shall have power, in the name of the district, or in their own names as trustees of the district, to convey by deed all the interest of their district in or to schoolhouse or lot sold and all conveyances shall be made to board of trustees. Board also shall have power, in the name of the district, to transact all business necessary for maintaining schools and protecting rights of the district.

Section 11-3525 [Excerpt from Revised Codes of Montana, 1947, as amended]- "The commission shall, by majority vote of all its members, appoint a municipal superintendent of schools to serve without definite term, but subject to removal at the pleasure of the commission. The superintendent of schools for any district within the municipality may, with the consent of the trustees of such district, be appointed to serve as municipal superintendent. The compensation of the municipal superintendent shall befixed by the commission, and he shall have the powersand perform the duties prescribed for county superintendents of schools by the laws of the state." [No reference available to indicate what "commission" is intended, presumably the board of county commissioners.]

Section 75-1506 - The county commissioners of any county, shall, by appointment, fill any vacancy that may occur in the office of county superintendent until the next general election.

Section 75-1507 - The county superintendent shall have the general supervision of the public schools in his county.

Section 75-1508 - County superintendent shall carry into effect all instructions of the state superintendent given within his authority.

MONTANA

(School Laws of Montana, Ann., 1961.)

County Superintendent of Schools

Section 75-1503 - County superintendent of schools to be elected in each organized county.

at least once each official year
Section 75-1509 - He shall visit schools/, consult with and advise teachers, etc.

Section 75-1513 - To preside at institutes.

Section 75-1514 - To exercise supervision ~~of~~ over school libraries and aid in selection of books.

Section 75-1526 - Make annual reports to superintendent of public instruction

School Trustees

Section 75-1603 - Annual election of school trustees to be held.

Section 75-1632 - Duties: Prescribe and enforce rules, employ or discharge teachers, provide for school furniture, repair and insure schoolhouses, purchase and sell land for schoolhouses, etc. (Largely supervisory duties and certain specific duties granted to school trustees "unless otherwise specially provided for.").

School Districts

Section 75-1801 - Defines "school district" as the territory under the jurisdiction of a single board, designated as "board of trustees."

Section 75-1802 - Classifies school districts according to population.

Section 75-1803 - Every school district a body corporate, may contract, etc.

Excerpt fromthe Organic Act of the Territory of Montana

"§ 14. And be it further enacted, That when the lands in said territory shall besurveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory, and in the states and territories hereafter to be erected out of the same."

Excerpts from the Enabling Act

§4.... ."Provision shall be made for the establishment and maintenance of systems of publicschools,which shall be open to all the children of said states, and free from sectarian control."

Excerpts from the Constitution of the State of Montana

Article XI Education

"Section 1. It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform and thorough system of public, free, common schools.

. ...

"Sec. 6. It shall be the duty of the legislative assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free common school in each organized district in the state, for at least three months in each year."

MONTANA

(School Laws of Montana, Annotated, 1961.)

1. Audio-visual aid legislation and regulations

The following sections are pertinent:

Section 75-2011 - Creates a library of visual teaching aids for the purpose of acquiring through purchase, donation, lease, loan,gift, or manufacture, a depository consisting of instructional sound films, slides, charts, graphs, models, pictures, dioramas and other visual teaching aids which may be approved by the state superintendent of public instruction. These materials are to be made available on a rental fee basis ~~between~~ to and from elementary and secondary schools and educational groups within the state.

[Reference: Colwell v. City ofGreat Falls, 117 M 126, 143, 157 P 2d 1013.]

Section 75-2012 - State superintendent of public instruction, with approval of state board of education is to prepare courses ofinstruction in visual education for public elementary and secondary schools and to provide necessary and adequate supervision for this purpose, may appoint 1 clerk and a supervisor. Provisions of this section not mandatory upon any school district.

MONTANA

(School Laws of Montana, Ann., 1961.)

2. Planning the use of AV aids

4. Advising subordinate unitsand teachers on use of AV aids and publishing lists of material available

5. Organizing AV units

7. Selecting AV aids

11. Regulating use of AV aids and keeping statistics on useand using personnel

12. Distributing AV aids

15. Prescribing qualifications of using personnel

19. Library programs

It is felt that the two provisions quoted below are all-inclusive of authority needed to carry out the above functions:

" Section 75-2011. Creation of library of visual teaching aids. There is hereby created a library of visual teaching aids for the purpose of acquiring through purchase, donation, lease, loan, gift, or manufacture, a depository consisting of instructional sound films, slides, charts, graphs, models, pictures, dioramas and other visual teaching aids which may be approved by the state superintendent of public instruction. These materials will be made available on a rental fee basis, plustransportation, to and from the elementary and secondary schools and educational groups within the state."

"Section 75-2012. Courses of instruction in visual education--supervision. The statesuperintendent of public instruction, with the approval of the state board of education, shall prepare courses of instruction in visual education for the public elementary and secondary schools of the state; and, to provide necessary and adequate supervision for the purpose of carrying out this act, may appoint ~~(one)~~ one (1) clerk and a supervisor who shall be a graduate of a four (4) year accredited institution of higher learning with special training and experience in the field of visual education, provided, however, that the provisions of this act shall not be mandatory upon any school or school district."

13. Producing AV aids

No specific provisions. If any possible authority could be implied, it would presumably have to be based on general powers of state board of education.

MONTANA

(School Laws of Montana, Ann., 1961.)

3. Preparing curricula

Section 75-2012 (cited elsewhere) is specifically pertinent. In addition, the following may be cited:

Section 75-1311 - Superintendent of public instruction is to prepare, or cause to be prepared, with the cooperation and approval of such educators as may be named by the state board of education, a course ofstudy for all public elementary and high schools of the state, and prescribe to what extent same is to be used.

Section 75-1632 - School board of trustees may determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent in districts of the third class.

Section 75-1509 - County superintendent shall visit schools, at least once a year and shall advise and direct the teacher in regard to instruction and course of study, in addition to other matters. Shall also consult with trustees and clerks of all school district upon matters relating to their schools.

Section 75-2002 - Specifically lists the required subjects that shall be taught.

Section 75-2010 - Reiterates duty of superintendent of public instruction to prepare courses of instruction for the public elementary and secondary schools of the state, with the further provision that, to provide necessary and adequate supervision, he shall appoint a supervisor with a major in physical education from an accredited 4-year institution.

> "All public schools shall be taught in the English langusge, and instruction shall be given in the following branches, viz: Reading, penmanship, written arithmetic, mental arithmetic, orthography, ~~gsmxg~~ goigraphy, English grammar, physiology and hygiene, with special reference to the effect of alcoholic stimulants and narcotics on the human system, civics (state and federal), United States history, the history of Montana, music, art, elementary agriculture including co-operative economics."

MONTANA

(School Laws of Montana, Ann., 1961.)

6. Conferring on AV use outside of state educational structure

No specific provisions. Possibly, Section 75-416 providing authority tostate board of examiners to enter ~~xx~~ into arrangements with agencies of United States for use of units of university of Montana for the purpose of scientific research, could be used as authority for this function.

Section 75-107 lists powers and duties of state board of education. Following this section, State v. State Board of Education et al., 97 M 121, 133-141, 33 P 2d 516, is cited as authority for the implied power of the state board to do all thingsnecessary and proper to the exercise ofits general powers.

MONTANA

(School Laws of Montana, Ann., 1961.)

8. Selecting textbooks

9. Acquiring AV aids and school supplies, equipment and textbooks

The following provisions appear pertinent tothe above categories:

Section 75-3501 - In all school districts of the state and inall high schools, free textbooks are to be furnished for the use of the pupils thereof. It is the duty of all school boardsand school trustees to purchase the textbooks required, at the expense of the districts.

Section 75-3503 - Sets forth conditions to be complied with before any company shall offer for sale to any school district any textbook (file copy in office of state superintendent of public instruction, lowest wholesale price, etc.).

Section 75-3509 - State superintendent of publicinstruction is to, at least annually, send to each school official copy of all lists of school textbooks onfile in his office, showing prices at which such books may be purchased.

Section 75-3510 - Textbooks for all schools and for all school courses are to be selected by the district superintendent, or by the principal of the school if there is no district superintendent in charge of the school,in either case with the approval of the board of trustees. Textbooks for one- and two-room schools in districts that have no superintendent or principal other than county superintendent shall be selected by county superintendent of schools on recommendation of a special committee, composed of three persons actively engaged in public school work during the timeof their appointment by the county superintendent of schools. Adoptions are to be for a minimum period of three years.

Section 75-1632 - Sets up duties of trustees. A case note following this section states: "Where the legislature has failed to make provision for a uniform series of textbooks throughout the state, or to devolve the duty of doing so upon some officer or board, the trustees of a school district, under the general powers vested in them, and particularly the power of the board 'to prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction, for their own government of schools under their supervision,' could prescribe what books should be used, in the schools of the district. Campana v. Calderhead, 17 M 548, 552, 44 P 83."

This sectionalso provides that the school board trustees are "to provide for school furniture and for everything needed in the schoolhouse or for the use of the school board."

Section 75-1637 - Unlawful for any school trustee to have any pecuniary interest in erectionof any schoolhouse or furnishing or equipping same. No board of trustees shall let any contract for building, furnishing, repairing, or other wok, without first advertising for bids. Exceptions: Board of trustees for third class school districts maintaining one-or two-room elementary schools may contract without bids where amount is less than $400. Board of trustees of third class school districts, other than above, may contract without bids where amount is less than $750 and board of trustees of districts of first and second class maintaining elementary schools only may contract without bids where amount is less than $1,2500.

MONTANA

(School Laws of Montana, Ann. 1961.)

14. Certificating teachers

The following sections are applicable:

Section 75-2511 - State board of education shall prescribe and adopt rulesand regulations for issuance of all certificates for teaching in accordance with methods and policies formulated and recommended by state superintendent of public instruction for approval and adoption by such board.

Section 75-2512 - State superintendent of public instruction shall issue all certificates for teachers in accordance with rules and regulations approved and adopted by state board of education.

16. Accrediting schools

Section 75-107(4) - State board of education to prescribe standards promotion to the high school department of all public schools of the state and to accredit such high schools as maintain the standards of work prescribed by the board on all such matters of promotion and accrediting. The board shall act upon recommendation given toit by the state superintendent of public instruction.

Section 75-4219 - Reiterates above section. State board of education to prescribe standards for promotion from elementary schools to junior and senior high schools and to fix standards of wor k for all public high schools and accredit such schools asattain and maintain the standards thus fixed.

MONTANA

(School Laws ofMontana, Ann., 1961.)

17. Federal aid to schools

The following provisions are applicable:

Section 75-5101 - Federal funds --authority to accept. Governor of state of Montana and superintendent of public instruction of state of Montana are authorized to request and accept such fundsasare now or will be made available under any act of Congress or otherwise for purposes of public school building construction and/or for any other purposes in the operation and maintenance of public schools as permitted under the laws of the state of Montana and as authorized by grants from federal government. Moneys shall be deposited in special fund with the state treasurer.

Section 75-5102 - Federal aid to education fund--expenditures. Special fund is created in the treasury of the state of Montana to be known asthe "Federal Aid to Education Fund." All moneys to be expended for the purpose of public school building construction and/or for any other purposes in the operation and maintenance of public schools. Expenditures to be under supervision and discretion of superintendent of public instruction and any balance to be continuously available to state superintendent for these expenditures.

18. Private aid toschools

Section 75-1825 - All school districtsand boards of trustees thereof on behalf of such districts are authorized to accept gifts, legacies and devises, subject to conditions imposed by donor or without any conditions. Any school district may by resolution of board of trustees of such school district establish a special fund to be known as "endowment fund."

Section 75-1826 - "Endowment fund" shall consist of all donations by gift, devise, or bequest, not otherwise specified by the donor, devisor, or testator.

Section 75-1827 - Use and investment of endowment fund.

Section 75-1828 - County treasurer to be custodian.

Section 75-1829 - Endowment fund to be kept separate from other funds.

Article XXI. Montana Trust and Legacy Fund (Constitution of Montana). Sec. 1. State of Montana agrees to accept from any natural person, or persons, inside or outside the state, gifts, donations, grantsand legacies in any amount or value not less than $250 each for the creation ofa ~~state~~ permanent ~~[illegible]~~ ~~fund~~ school fund and for other purposes. Section 15. All contributions without a specified purpose or those for whidh purpose has been accomplished are to be credited to state permanent school fund.

MONTANA

(School Laws of Montana, Ann., 1961.)

19. Library programs

Section 75-1514 - County superintendent of schools to exercise supervision over school libraries of the county and aid in ~~xi~~ selection of books for the same.

Section 75-1316 - Superintendent of public instruction to prepare and furnish to school officers, through the county superintendents, listsof publications approved by him as suitable for school libraries, such list to contain the lowest price at which such publications can be purchased. Also shall prescribe rules and instructions for proper care and use of school libraries and such other information relative thereto ashe shall think needful.

Also see Section 75-2011. Creation of library of visual teaching aids - cited elsewhere.

MONTANA

(School Laws of Montana, Ann., 1961.)

20. Research programs

The following sections might be applicable:

Section 75-1319 - The state superintendent of public instruction is authorized to make general surveys of school facilities of the state for purpose of determining adequacy of state and localresources to meet present and future school facilities requirements and also authorized to request and use funds made ~~ahii~~ available under act ~~o~~ Congress for such purpose.

Section 75-416 - Use of university units by federal agencies for scientific research. State board of examiners is authorized to enter into arrangements with proper department of United States for use of units of university of Montana for purpose of scientific research. /Whether research relating to use of AV aids in schools would come under such category is questionable./

21. Preparing or remodeling school buildings for audio-visual use.

Section 75-1632 - Authorizes school board trustees to provide for school furniture and "for everything needed in the schoolhouse" and also to "repair and insure schoolhouses and to rent, lease and let to such persons or entities asthe board may deem proper, the grade school halls, gymnasium and buildings and part thereof for such time and rental asthe board may designate." This would seem to include authority to remodel school buildings for AV use and then rent same for community participation in use ~~mf~~ a building remodeled for AV purposes.

Section 75-1637 - Relates to letting contracts for furnishing of supplies for or repairing schoolhouses, when contracts may be let without bids and unlawfulness of school trustee tohave any pecuniary interest in contract. Section cited more fully under Topic 9.

MONTANA

(School Laws of Montana, Ann., 1961)

10. Financing acquisition

The following provisions relating to budget and financing arrangements are deemed pertinent:

Section 75-1529 - County superintendent isto publish annually a statement of the financial conditions and transactions of all school districts in the county, including statement of moneys received and from what source and moneys paid out.

Section 75-1702 - Sets up a board of school budget supervisors in each county in the state, which board is to be the board of county commissioners. County superintendent of schools is to be clerk of such board.

Section 75-1703 - Prescribes budget form,having two categories; General fund expenses and Proposed ~~Expnd~~ Expenditures to be financed by sale of bonds.

Section 75-1704 - County superintendent of schools in March of each year is to send in schedules of actual expenditures and anticipated revenues to Board of County Commissioners.

Section 75-1706 - Provides for meeting of board of trustees/re ~~an~~ adoptionof preliminary budget, with provision for any taxpayer to appear and be heard re items or amounts proposed to be included in budget.

Section 75-1712 - Sets up meeting for adoption of final budget by board of school budget supervisors of each county, with provision for taxpayer to be heard, and board to fix and determine the amount to be raised by tax levies for each such school district.

Section 75-1723 - County superintendent ofschools, as clerk of school budget board, is to lay before such board the elementary school budgets for all school districts in the county, as finally adopted and approved by the school budget board,and county commissioners shall fix and levy tax of five mills on the dollar of taxable value of all school districts within the county. If lesser levy is sufficient, lesser levy shall be made, but no school district levying less than five mills shall receive any apportionment from state public school equalization fund. Also, provision is made for county commissioners to levy tax for each school district as will produce amount shown by the final budget to be raised by tax levy, including a reserve fund, not to exceed 35% of the amount appropriated in the final and approved budget for the current year.

Section 75-4516.1 - Re~~x~~ levy of taxes (10 mills) for high schools.

Sections 75-4517, 75-4518, 75-4518.1, 75-4519, 75-4520, 75-4521 - relate to budgets of school districts maintaining a district high school or schools.

Section 75-4609 - Special tax levy--election. Whenever board of trustees of local school district within which high school is situated deem it necessary to raise money for high school purposes in addition to revenues from county and state apportionments, majority of board of trustees may determine that the proposed expenditures are necessary for the purposes of altering, repairing or enlarging the high school or schools and may call election for purpose of submitting the question of the additional levy to the voters.

Section 75-3801 - Whenever board of trustees of any school district shall deem it necessary to raise money by taxationin excess of the levy required to meet its foundation program and approved additions thereto within the limitations of 30%, for the purpose of maintaining the schools, or building, altering, repairing,

10. **Financing acquisition(Cont'd.)**

or enlarging any schoolhouse, for furnishing additional school facilities, or for any other purpose necessary for the proper operation and maintenance of the schools ofsaid district, the board of trustees shall fix amount necessary in addition to five mill levy and submit question of additional levy to the voters. Same provision applies to high school districts.

State: Montana

Source of information unless otherwise stated: School Laws of Montana, Annotated, 1961.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 75-2011. Creation of library of visual teaching aids. There is hereby created a library of visual teaching aids for the purpose of acquiring through purchase, donation, lease, loan, gift, or manufacture, a depository consisting of instructional sound films, slides, charts, graphs, models, pictures, dioramas and other visual teaching aids which may be approved by the state superintendent of public instruction. These materials will be made available on a rental fee basis, plus transportation, to and from the elementary and secondary schools and educational groups within the state.

Sec. 75-2012. Courses of instruction in visual education--supervision. The state superintendent of public instruction, with the approval of the state board of education, shall prepare courses of instruction in visual education for the public elementary and secondary schools of the state; and, to provide necessary and adequate supervision for the purpose of carrying out this act, may appoint one (1) clerk and a supervisor who shall be a graduate of a four (4) year accredited institution of higher learning with special training and experience in the field of visual education, provided however, that the provisions of this act shall not be mandatory upon any school or school district.

Sec. 75-1304. Official files and records. The superintendent shall preserve in his office all books, maps, charts, works on education, school registers, school reports, and schools laws of other states and cities, plans for school buildings, and other articles of educational interest and value which may come into his possession as such officer, and at the expiration of his term shall deliver them, together with the reports, statements, records, and archives of his office to his successor.

State: Montana

PART III - continued (2)

The Biennial Report, dated December 1, 1960, issued by the Superintendent of Public Instruction of the State of Montana, revealed, on page 29, that $27,767 was spent during the 1959-60 school year for visual education, and on page 180 that an educational television committee is an official committee of the Superintendent of Public Instruction. On page 183, the Educational Film Directory of the Montana State Library of Visual Aids in Education is cited as an official publication of the Department of Education. On page 186 a Visual Aids Library Supervisor is listed among the professional staff of the State Department of Public Instruction.

State: Montana

Source of information unless otherwise stated: School Laws of Montana, Annotated, 1961

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

(a) Secs. 75-2011, 75-2012

Yes 3. Preparing curricula

(a) Secs. 75-2012, 75-1311, 75-1632, 75-1509, 75-2002, 75-2010

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(a) Secs. 75-2011, 75-2012

Yes 5. Organizing AV units and cooperative activities

(a) Secs. 75-2011, 75-2012

Yes 6. Conferring on AV use outside of State educational structure

(b) Secs. 75-416, 75-107

State: Montana

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(a) Sec. 75-2011, 75-2012

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Sec. 75-3509, 75-3510, 75-1632

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(a) Secs. 75-2011, 75-3501, 75-1632

Yes 10. Financing acquisition by rent or purchase

(a) Secs. 75-1529, 75-1702, 75-1703, 75-1704, 75-1706, 75-1712, 75-1723, 75-4516.1, 75-4517, 75-4518, 75-4518.1, 75-4519, 75-4520, 75-4521, 75-4609, 75-3801

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(a) Secs. 75-2011, 75-2012

Yes 12. Distributing AV aids

(a) Secs. 75-2011, 75-2012

Yes 13. Producing AV aids

Sec. 75-2011

Yes 14. Certificating teachers and AV professionals

Secs. 75-2511, 75-2512

Yes 15. Prescribing qualifications of using personnel

(a) Secs. 75-2011, 75-2012

State: Montana

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Sec. 75-107(4), 75-4219

Yes 17. Building or remodeling schools to facilitate AV use

(b) Secs. 75-1632, 75-1637

Yes 18. Federal aid to schools

(a) Secs. 75-5101, 75-5102

Yes 19. State aid to schools

(a) Secs. 75-3610, 75-3612, 75-3614, 75-3701,
75-3706, 75-3716, 75-3717

Yes 20. Private aid to schools

(a) Secs. 75-1825, 75-1826, 75-1827, 75-1828, 75-1829
Article XXI, Constitution of Montana

Yes 21. Library programs

(a) Secs. 75-1514, 75-1316, 75-2011

Yes 22. Research programs

(a) Secs. 75-1319, 75-416

Yes 23. Institutes

Sec. 75-1312

Yes 24. Other established procedures

Secs. 75-1509, 75-1510

State: Montana

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

Sec. 75-2011 creates a library of visual teaching aids, and Sec. 75-2012 directs the Superintendent of Public Instruction, with approval of the State Board, to prepare courses in visual education for elementary and secondary schools, and to appoint a clerk and a supervisor to implement the program. Planning is necessarily implied, and this function is located at the State level.

Topic 3 - Preparing curricula

Sec. 75-2012 (cited in Part III and Topic 2) authorizes the State Superintendent to prepare courses of study in visual instruction.

Sec. 75-1311 provides that the State Superintendent shall prepare, with the cooperation and approval of such educators as may be named by the State Board, a course of study for all public elementary and high schools of the State, and prescribe to what extent same is to be used. (Also see Sec. 75-2010.)

Sec. 75-1632 provides that the school board of trustees may determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subject to the approval of the county superintendent in districts of the third class.

Sec. 75-1509 states that the county superintendent shall visit schools and shall advise and direct the teacher in regard to instruction and course of study.....

Sec. 75-2002 specifically lists the required subjects that shall be taught.

Topic 4 - Advising subordinate units

Secs. 75-2011 and 75-2012 cited in Topic 2 indicates that the State Superintendent advises subordinates through his appointed supervisors. Also, the State Superintendent would have the duty to publish lists of available material so as to facilitate the school districts in renting visual equipment from the library of visual teaching aids.

Topic 5 - Organizing AV units

Secs. 75-2011 and 75-2012 cited in Topics 2 and r placing the administration and supervision of the visual materials in the hands of the State Superintendent necessarily give to him the authority to organize AV units or to direct the establishment of the local units.

State: Montana

PART IV - continued (5)

Topic 6 - Conferring on use

Possibly, Sec. 75-416 granting authority to the State Board of Examiners to enter into arrangements with agencies of the United States for use of units of the university of Montana for the purpose of scientific research, could be used as authority for this section.

Following Sec. 75-107 listing the powers and duties of the State Board, State v. State Board of Education et al, 97 M 121, 133, 33 P2 516, is cited as authority for the implied power of the State Board to do all things necessary and proper to the exercise of its general powers.

Topic 7 - Selecting AV aids

Sec. 75-2011 empowers the State Superintendent to approve the selecting of visual aids to be deposited in the library of visual teaching aids. (See Part III.)

Topic 8 - Selecting textbooks

Sec. 75-3510 - Textbooks for all schools and for all school courses are to be selected by the district superintendent, or by the principal of the school if there is no district superintendent in charge of the school, in either case with the approval of the board of trustees. Textbooks for one or two room schools in districts that have no superintendent or principal other than a county superintendent shall be selected by said county superintendent on recommendation of a special committee, composed of three persons actively engaged in public school work during the time of their appointment by the county superintendent. Adoptions are to be for a minimum period of three years. These selections are made from a list provided by the State Superintendent, Sec. 75-3509.

A case note following Sec. 75-1632 setting up duties of the school trustees states: "Where the legislature has failed to make provision for a uniform series of textbooks throughout the State, or to devolve the duty of doing so upon some officer or board, the trustees of a school district, under the general powers vested in them....., could prescribe what books should be used in the schools of the district. Campana v. Calderhead, 17 M 548, 552, 44 P 83."

Topic 9 - Acquiring AV aids, etc.

Sec. 75-2011 creates a library of visual teaching aids for the purpose of acquiring through purchase, donation, lease, loan, gift or manufacture, a depository of teaching aids.....(See part III).

Sec. 75-3501 - In all school districts of the state and in all high schools, free textbooks are to be furnished for the use of the pupils thereof. It is the duty of all school boards and school trustees to purchase the textbooks required, at the expense of the districts.

Sec. 75-1632 provides that the school board trustees are to provide for school furniture and for everything needed in the school house or for the use of the school board.

State: Montana

PART IV - continued (6)

Topic 10 - Financing acquisition

The following provisions relating to budget and financing arrangements are deemed pertinent:

Sec. 75-1529 - County superintendent is to publish annually a statement of the financial conditions and transactions of all school districts in the county, including statement of moneys received and from what source and moneys paid out.

Sec. 75-1702 - Sets up a board of school budget supervisors in each county in the state, which board is to be the board of county commissioners. County superintendent of schools is to be clerk of such board.

Sec. 75-1703 - Prescribes budget form, having two categories: General fund expenses and proposed expenditures to be financed by sale of bonds.

Sec. 75-1704 - County superintendent of schools in March of each year is to send in schedules of actual expenditures and anticipated revenues to Board of County Commissioners.

Sec. 75-1706 - Provides for meeting of board of trustees re adoption of preliminary budget, with provision for any taxpayer to appear and be heard re items or amounts proposed to be included in budget.

Sec. 75-1712 - Sets up meeting for adoption of final budget by board of school budget supervisors of each county, with provision for taxpayer to be heard, and board to fix and determine the amount to be raised by tax levies for each such school district.

Sec. 75-1723 - County superintendent of schools, as clerk of school budget board, is to lay before such board the elementary school budgets for all school districts in the county, as finally adopted and approved by the school budget board, and county commissioners shall fix and levy tax of five mills on the dollar of taxable value of all school districts within the county. If lesser levy is sufficient, lesser levy shall be made, but no school district levying less than five mills shall receive any apportionment from state public school equalization fund. Also, provision is made for county commissioners to levy tax for each school district as will produce amount shown by the final budget to be raised by tax levy, including a reserve fund, not to exceed 35% of the amount appropriated in the final and approved budget for the current year.

Sec. 75-4516.1 - Re levy of taxes (10 mills) for high schools.

Secs. 75-4517, 75-4518, 75-4518.1, 75-4519, 75-4520, 75-4521 - Relate to budgets of school districts maintaining a district high school or schools.

State: Montana

PART IV - continued (7)

Sec. 75-4609 - Special tax levy--election. Whenever board of trustees of local school district within which high school is situated deem it necessary to raise money for high school purposes in addition to revenues from county and state apportionments, majority of board of trustees may determine that the proposed expenditures are necessary for the purposes of altering, repairing or enlarging the high school or schools and may call election for purpose of submitting the question of the additional levy to the voters.

Sec. 75-3801 - Whenever board of trustees of any school district shall deem it necessary to raise money by taxation in excess of the levy required to meet its foundation program and approved additions thereto within the limitations of 30%, for the purpose of maintaining the schools, or building, altering, repairing, or enlarging any schoolhouse, for furnishing additional school facilities, or for any other purpose necessary for the proper operation and maintenance of the schools of said district, the board of trustees shall fix amount necessary in addition to five mill levy and submit question of additional levy to the voters. Same provision applies to high school districts.

Topic 11 - Regulating use

Sec. 75-2011 cited supra in topics 2, 4, and 5, shows that the State Superintendent, with the approval of the State Board, has regulatory power over use of AV materials. Specifically, Sec. 75-2011 provides that the library of visual aids under the direction of the State Superintendent shall lease said materials to the various schools.

Sec. 75-2012 provides that the use of the materials in the various schools will be under the supervision of the State Superintendent.

Topic 12 - Distributing AV aids

Once again Secs. 75-2011 and 75-2012 are in point. Sec. 75-2011 provides that the visual materials in the library of visual teaching aids will be made available to the various schools on a rental basis.

Sec. 75-2012 provides that the State Superintendent shall prepare courses on visual instruction for use in the various schools.

Topic 13 - Producing AV aids

Sec. 75-2011 empowers the library of visual teaching aids to manufacture instructional films, slides, charts, graphs, models, pictures, dioramas and other visual teaching aids which may be approved by the State Superintendent.

Topic 14 - Certificating teachers

Sec. 75-2511 - The State Board of Education shall prescribe and adopt rules and regulations for issuance of all certificates for teaching in accordance with methods and policies formulated and recommended by the State Superintendent for approval and adoption by such board.

PART IV - continued (8)

Sec. 75-2512 - The State Superintendent shall issue all certificates for teachers in accordance with rules and regulations approved and adopted by the State Board.

Topic 15 - Prescribing qualifications

Secs. 75-2011 and 75-2012 providing for the acquisition, leasing and supervision over visual materials seem applicable. Especially Sec. 75-2012 granting the State Superintendent the authority to supervise the courses of instruction in visual materials. This power to establish and supervise these courses would necessarily entail the power to prescribe the qualifications of persons teaching the visual instruction courses.

Also, Sec. 75-2012 provides that the State Superintendent may appoint one clerk and a supervisor who shall be a graduate of a four-year accredited institution of higher learning with special training and experience in the field of visual education. They will have immediate supervision over the visual instruction courses in the various schools. This may be some indication of the qualifications of using personnel.

Topic 16 - Accrediting schools

Sec. 75-107(4) provides that the State Board is to prescribe standards of promotion to the high school department of all public schools of the state and to accredit such high schools as maintain the standards of work prescribed by the board on all such matters of promotion and accrediting. The Board shall act upon recommendation given to it by the State Superintendent.

Sec. 75-4219 authorizes the State Board to prescribe standards for promotion from elementary schools to junior and senior high schools and to fix standards of work for all public high schools and accredit such schools as attain and maintain the standards thus fixed.

Topic 17 - Building or remodeling schools

Sec. 75-1632 authorizes the school board trustees to provide for school furniture and for everything needed in the schoolhouse and also to repair and insure schoolhouses and to rent, lease and let to such persons or entities as the board may deem proper..... This section would seem to include the authority to remodel school buildings for AV use and then rent the same for community participation in use of a building remodeled for AV purposes.

Sec. 75-1637 relates to the letting of contracts by the school trustees for erecting of buildings, furnishing of supplies or for repairing the schoolhouse. This section places restrictions on the trustees' power to contract, i.e., must accept bids and must not have a pecuniary interest in the contract.

PART IV - continued (9)

Topic 18 - Federal aid

Sec. 75-5101 - The Governor of Montana and State Superintendent of Public Instruction of Montana are authorized to request and accept such funds as are now or will be made available under any act of Congress or otherwise for purposes of public school building construction and/or for any other purposes in the operation and maintenance of public schools as permitted under the laws of the State of Montana and as authorized by grants from the Federal Government. Moneys shall be deposited in a special fund with the State Treasurer.

Sec. 75-5102 - The above fund is called the "Federal Aid to Education Fund." All moneys are to be expended for the purpose of public school building construction and/or for any other purpose in the operation and maintenance of public schools. Expenditures are to be made under the supervision and discretion of the State Superintendent and any balance to be continuously available to the State Superintendent for these expenditures.

Topic 19 - State aid

Sec. 75-3610 - The State shall contribute to and aid in the support of such schools in the state free public school system upon the basis of financial need for state aid of the several school districts. Such needs shall be determined upon the availability to them of funds from the regular sources of income of such school districts (see Topic 10).

Sec. 75-3612 provides that moneys coming into the state school equalization fund shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county.

Sec. 75-3614 authorizes the State Superintendent to administer and apportion the equalization fund. He may require reports from the county superintendent, county budget boards, county treasurers and school trustees in order to better evaluate the financial needs of the various school districts.

Sec. 75-3701 - The permanent school fund shall consist of appropriations and donations by the state; donations and bequests of individuals; proceeds of land and other property which escheat to the state, accumulated funds in state treasury not earmarked, sale of property and resources, etc.

Sec. 75-3706 places the duty on the county commissioners of each county to levy an annual tax of ten mills on the dollar of the taxable value of all taxable property within the county. This tax shall be collected by the County Treasurer. This fund will be used to support the common schools. Also, all fines imposed by the county will go into this fund.

PART IV - continued (10)

Sec. 75-3716 provides that moneys arising from the sale of town lots under acts of the State of Montana relating to town sites become part of the common school fund to be used in building and furnishing schoolhouses, Sec. 75-3717.

(County and district taxation is discussed in Topic 10, supra.)

Topic 20 - Private aid

Sec. 75-1825 authorizes the districts and boards of trustees thereof on behalf of such districts to accept gifts, legacies and devises, subject to conditions imposed by the donor or without any conditions.

Any school district may by resolution of the board of trustees establish a special fund to be known as the "endowment fund." Such fund shall consist of all donations by gift, devise, or bequest, not otherwise specified by the donor, devisor or testator, Sec. 75-1826 (for details of fund see Secs. 75-1827, 1828, 1829).

Article XXI, Sec. 1 of the Montana Constitution, authorizes the State of Montana to accept from any natural person or persons, inside or outside the state, gifts, donations, grants and legacies in any amount or value not less than $250 each for the creation of a permanent school fund and for other purposes - Sec. 15 - all contributions without a specified purpose or those for which purpose has been accomplished are to be credited to the State Permanent School Fund.

Topic 21 - Library programs

Sec. 75-1514 - The county superintendent is to exercise supervision over school libraries of the county and aid in the selection of books for the same.

Sec. 75-1316 directs the State Superintendent to prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for school libraries. Such lists shall contain the lowest price at which such publications can be purchased. The State Superintendent shall also prescribe rules and instructions for proper care and use of school libraries and such other information relative thereto as he shall think needful.

Sec. 75-2011 cited in Part III creates a library of visual teaching aids.

Topic 22 - Research programs

Sec. 75-1319 authorizes the State Superintendent to make general surveys of school facilities of the state for the purpose of determining the adequacy of state and local resources to meet present and future school facilities requirements and is also authorized to request and use funds made available under act of congress for such purpose.

PART IV - continued (11)

Sec. 74-416 authorizing the State Board to enter into agreements with federal agencies to use units of the university of Montana for scientific research has questionable relevancy to AV aids in schools.

Topic 23 - Institutes

The State Superintendent shall prescribe, with the approval of the State Board, rules and regulations for the holding of teachers' institutes, and summer schools for teachers, shall prepare, with the approval of the State Board, lists of instructors for institutes and summer schools from which county superintendents shall make their appointments. He shall attend and assist at teachers' institutes and summer schools for teachers, and aid and encourage generally teachers in qualifying themselves for the successful discharge of their duties, Sec. 75-1312.

Topic 24 - Other established procedures

Sec. 75-1509 - During the county superintendent's visits to the various schools in his county, he shall consult with the trustees and clerks of the district upon all matters relating to the good and welfare of their schools.....

Sec. 75-1510 - provides that the county superintendent from time to time in convenient places hold trustees' meetings, at which matters relating to the good of the school shall be discussed.

NEBRASKA (1959-60)

Enrollment in full-time public schools:	
Elementary	215,579
High School	67,142
Number of school districts (including non-operating)	3,777
Number of elementary Schools	3,500
Number of high schools (including junior high)	453
Expenditure per pupil in average daily attendance	$337

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

NEBRASKA

County and Independent School Superintendencies

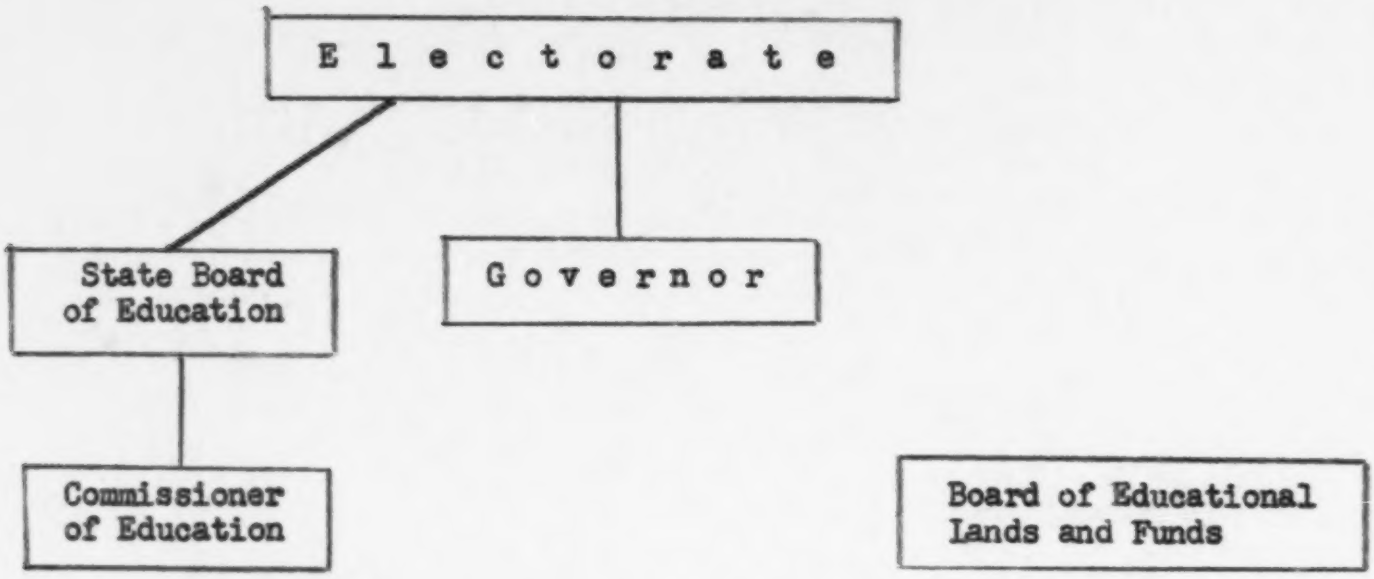
There are 500 school superintendencies in the State: 91 county-intermediate superintendencies and 409 independent city or town superintendencies. The superintendents of the 91 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 125.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 100-101.

NEBRASKA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)


Electorate
State Board of Education
Governor
Commissioner of Education
Board of Educational Lands and Funds

2. State Education Boards

   a. Schools.....

   State Board of Education.--Composed of 6 members, 1 from each of 6 districts corresponding to the supreme court judicial districts. Members are elected on a nonpartisan ballot by the electors of the district from which they come and serve for terms of 6 years or until their successors are elected or qualified. The terms of members overlap. No person is eligible to membership (a) who is actively engaged in the teaching profession, (b) who is a holder of or a candidate for any State office, board, or commission, or (c) who is not a citizen of the United States, a resident of the State for at least 3 years, and a resident of the district from which he is elected for 2 years.

   b. Supplementary programs

   Board of Educational Lands and Funds (administrative)--Composed of 5 ex officio members, the governor, secretary of State, treasurer, attorney general and commissioner of education. The board has general management and control of all school....lands owned by the State and makes necessary rules not provided by law. The board also manages the funds accruing from these lands.

3. Chief State School Officer

The State board of education appoints and fixes the compensation and term of office of the commissioner of education who is the executive officer of the board, head of the professional, technical, and clerical staff of the State department of education, and executive secretary of the State board for vocational education. The commissioner must be a person of superior educational attainments, have many years of experience, demonstrate personal and professional leadership in the administration of public education, and be eligible to qualify for the highest school administrator's certificate currently issued in the State.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the general supervision of the public elementary, secondary, and.....

8. Coordination of the State Education System Through Ex Officio Memberships

The commissioner of education serves as an ex officio member of....... the board of commissioners of educational lands.

The governor, secretary of State, treasurer, and attorney general serve as ex officio members of the board of commissioners of educational lands.

9. Fiscal Coordination

Three State education agencies submit budgets to the governor. These are the State board of education......

The governor has the right and authority to raise, lower, or reject any requested appropriation or item in the budgets submitted to him by these educational agencies. However, the law directs that in making any changes whatsoever he shall give his reasons therefor in transmitting the budget (State or executive) to the legislature. The State tax commissioner, an appointee of the governor, assists with the preparation of the State budget.

State: **Nebraska**

Source of information unless otherwise stated: **Revised Statutes of Nebraska 1943, Vol. 5, and Revised Statutes of Nebraska 1959 Cumulative Supplement**

PART I

Educational Organization

State level:

Department of Education: called **State Department of Education**

how organized: **shall consist of State Board of Education and a Commissioner of Education, Sec. 79-321**

established by: **Article VII, Section 14 of Nebraska Constitution**

is it a body corporate: **no**

State Board of Education: called **State Board of Education**

established by: **Sec. 79-321**

is it a body corporate: **yes, Sec. 79-325**

composition: **6 members, Sec. 79-322**

how selected: **elected on nonpartisan ballot, Sec. 79-322**

is confirmation necessary: **no**

subject to what control: **electorate**

to whom reporting: **Governor and legislature, Sec. 79-328**

term of office: **6 years, Sec. 79-322, on overlapping basis**

Chief state school officer: called **Commissioner of Education, Sec. 79-321**

office established by: **Sec. 79-321**

how selected: **appointed by State Board of Education, Sec. 79-325**

is confirmation necessary: **no**

subject to what control: **State Board of Education, Sec. 79-321**

to whom reporting: **State Board of Education, Sec. 79-332**

term of office: **as determined by Board of Education (Sec. 79-328) upon its reorganization meeting each two years following general election (Sec. 79-325)**

staff and who appoints: **State Board of Educ. upon recommendation of commissioner, Sec. 79-328**

Other organization or official: called **State Committee for the Reorganization of School Districts, Sec. 79-426.03, with reorganization authority only.**

State: Nebraska

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called county

how organized: --

composition: --

is it a body corporate: not in educational hierarchy

Board of education, if any: called County Committee (with authority only to recommend changes of school districts; the so-called county board is a political, not educational, organization
established by: Sec. 79-426.05, as amended by Laws 1959, c. 387, sec. 1
is it a body corporate: no

composition: 6-10 as determined by joint meeting of all school boards called by County Supt., plus County Supt., ibid.
how selected: elected at joint meeting, supra.

is confirmation necessary: no

subject to what control: State Committee for the Reorganization of School Districts, Sec. 79-426.12
to whom reporting: same,Sec. 79-426.05 as amended

term of office: 4 years

Administrative officer of unit; called County Superintendent; but none in those counties of less than 3,000 population operating single school district with single board and superintendent (Sec. 79-311)
office established by: Sec. 79-311
how selected: Elected on nonpolitical ballot, Sec. 79-311

is confirmation necessary: no

subject to what control: Commissioner of Education, Sec. 79-316

to whom reporting: Commissioner of Education, ibid.

term of office: 4 years, Sec. 79-311

staff and who appoints: Deputy and other assistants appointed by County superintendent, Sec. 79-319

State: Nebraska

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Class I District, Sec. 79-102

how organized: territorial

composition: has only primary schools

is it a body corporate: yes, Sec. 79-401

Board of education: called district board

established by: Sec. 79-601

is it a body corporate: no

composition: 3 members (president, secretary and treasurer) ibid.

how selected: elected by qualified voters

is confirmation necessary: no

subject to what control: electorate; Dept. of Education under its rules and regulations, Sec. 79-307

to whom reporting: same, ibid., and to County Supt., Sec. 79-312, 79-314, 79-451

term of office: 3 years, staggered, Sec. 79-601

meetings: monthly, Sec. 79-439

Administrative officer of unit: called superintendent, if any

office established by: Sec. 79-441

how selected: appointed by board, ibid.

is confirmation necessary: no

subject to what control: board, ibid.

to whom reporting: board, ibid.

term of office: as determined by board.

staff and who appoints: as determined and appointed by board.

State: Nebraska

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Class II District, Sec. 79-102

how organized: territorial, population less than 1,000, ibid.

composition: having both elementary and high school classes, ibid.

is it a body corporate: yes, Sec. 79-401

Board of education: called district board

established by: Sec. 79-701

is it a body corporate: no

composition: 6 trustees

how selected: elected by qualified voters every 2 years, ibid.

is confirmation necessary: no

subject to what control: electorate; Dept. of Education under its rules and regulations, Sec. 79-307

to whom reporting: same, ibid., and to County Supt. Sec. 79-312, 79-314, 79-451

term of office: 3 years, overlapping in sets of 2, Sec. 79-701

Administrative officer of unit: called superintendent of public instruction

office established by: Sec. 79-519

how selected: elected by school board, ibid.

is confirmation necessary: no

subject to what control: board, ibid.

to whom reporting: board, ibid.

term of office: as determined by board but not exceeding 3 years, ibid.

staff and who appoints: as board determines, Sec. 79-441

State: Nebraska

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Class III District, Sec. 79-102

how organized: territorial, population 1,000 to 50,000, ibid.

composition: having both elementary and high school classes, ibid.

is it a body corporate: yes, Sec. 79-401

Board of education: called board of education

established by: Sec. 79-803

is it a body corporate: no

composition: (a) 6 members, Sec. 79-803, or
(b) 9 members in cities of 1st class so voting, Sec. 79-803.01

how selected: elected by voters on general ticket, Sec. 79-803, 79-803.01

is confirmation necessary: no

subject to what control: electorate; Dept. of Education under its rules and regulations, Sec. 79-307

to whom reporting: same, ibid., and to County Supt., Sec. 79-312, 79-314, 79-451.

term of office: 3 years, staggered, in sets of 2 for (a) or 3 for (b)

Administrative officer of unit: called same as Class II

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Nebraska

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called **Class IV District, Sec. 79-102**

how organized: **territorial, population 50,000 to 150,000, ibid.**

composition: **having both elementary and high school classes, ibid.**

is it a body corporate: **yes, Sec. 79-401**

Board of education: called **board of education**

established by: **Sec. 79-902**

is it a body corporate: **no**

composition: **6 members, ibid.**

how selected: **elected by voters on general ticket, every 2 years, ibid.**

is confirmation necessary: **no**

subject to what control: **electorate; Dept. of Education under its rules and regulations, Sec. 79-307**

to whom reporting: **same, ibid., and to County Supt., Sec. 79-312, 79-314, 79-451**

term of office: **6 years, staggered in sets of 2, Sec. 79-902**

Administrative officer of unit: called **same as Class II**

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Nebraska

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Class V District, Sec. 79-102

how organized: territorial, population 150,000 or more, ibid.

composition: having both elementary and high school classes, ibid.

is it a body corporate: yes, Sec. 79-401

Board of education: called board of education

established by: Sec. 79-1003

is it a body corporate: no

composition: 12 members, ibid.

how selected: elected by voters, by plurality vote, every 2 years, ibid.

is confirmation necessary: no

subject to what control: electorate; Dept. of Education under its rules and regulations, Sec. 79-307

to whom reporting: same, ibid., and to County Supt., Sec. 79-312, 79-314, 79-451

term of office: 4 years, staggered in sets of 6, Sec. 79-1003

meetings: twice a month

Administrative officer of unit: called superintendent of public schools

office established by: Sec. 79-1004

how selected: elected by ballot by board, ibid.

is confirmation necessary: no

subject to what control: board, by its rules, Sec. 79-1003

to whom reporting: board, ibid.

term of office: as determined by board, but not exceeding 3 years, Sec. 79-1004

staff and who appoints: as determined and elected by ballot by board, ibid.

State: Nebraska

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Class VI Dissrict, Sec. 79-102

how organized: territorial, ibid.

composition: having only high school classes, ibid. (formerly rural high school and county high school districts, Sec. 79-1101)
is it a body corporate: yes, Sec. 79-401

Board of education: called board

established by: Sec. 79-1103

is it a body corporate: no

composition: 6 members (president, secretary, treasurer and 3 other members), ibid.
how selected: elected annually by the voters at the annual meeting or annual school election, Secs. 79-1103, 79-701.
is confirmation necessary: no

subject to what control: electorate; Dept. of Education under its rules and regulations, Sec. 79-303
to whom reporting: same, ibid., and to County Supt., Sec. 79-312, 79-314, 79-451
term of office: 3 years, staggered in sets of 2, Sec. 79-701

Administrative officer of unit: called same as Class II.

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Nebraska

PART I - continued

Classification of school districts, sec. 79-102:

Class I: any which maintains only elementary grades (with single school board)

Class II: any, with population of 1,000 or less, which maintains both elementary and high school (with single school board)

Class III: any, with population of 1,000 to 50,000, which maintains both elementary and high school (with single school board)

Class IV: any, with population of 50,000 to 150,000, which maintains both elementary and high school (with single board of education)

Class V: any, with population of 150,000 or more, which maintains both elementary and high school (with single board of education)

Class VI: any which maintains only a high school

Under 79-106, the Commissioner of Education shall reclassify upward school districts of the 2d, 3d, or 4th class, when they attain the requisite population, based on the U. S. Census (79-105). But there is no corresponding provision for his reclassifying districts downward, or for reclassifying Class I (only elementary) or Class VI (only high school). Such changes are made under other procedures.

State: Nebraska

Source of information unless otherwise stated: Revised Statutes of Nebraska, 1943, Reissue of 1958 and 1959 Cumulative Supplement, including Pocket addition thereto, April 1961

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Section 79-312 reads: "The County Superintendent shall: (1) Visit each of the schools of his county at least once a year to examine carefully into the discipline, modes of instruction, progress and proficiency of the pupils..;(2) Counsel with teachers and district boards as to the course of study to be pursued, and methods for the improvement of the instruction...; (3) Note the condition of the schoolhouse and appurtenances thereto, and may make suggestions as to the locations for new schoolhouses...and for the general improvement of the schoolhouse and grounds; (4) promote by teachers' institutes, and by such other means as he shall devise, the improvement of the schools in the county, and the elevation of the character and qualifications of the teachers thereof;... (6) furnish to each district in the county a copy of the course of ~~education~~ study for public schools, as prescribed by the State Department of Education,...~~(8) purchase all~~

Section 79-328 provides: The State Board of Education shall have the power and it shall be the duty: (5) To provide, through the Commissioner and his professional staff, enlightened professional leadership, guidance and supervision of the state school system and, in order that the commissioner and his staff may carry out their duties, the board shall, through the commissioner, (a) provide supervisory and consultative services to the schools of the state, (b) issue materials helpful in the development, maintenance and improvement of educational facilities and programs, (c) establish rules and regulations based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, science facilities and equipment, library materials and equipment, health and safety factors in buildings and grounds, and procedures for classifying, approving and accrediting schools, ... (f) approve teacher education programs for the purpose of certificating teachers, and (g) approve general plans and adopt general policies, standards, rules and regulations for carrying out the board's responsibilities and those assigned the State Department of Education by the Legislature;

State: Nebraska

Source of information unless otherwise stated: Revised Statutes of Nebraska, 1943, Reissue of 1958 and 1959 Cumulative Supplement, including Pocket addition thereto, April 1961

PART II (CONT.)

Section 79-328 (cont.)
(8) To provide for consultation with professional educators and lay leaders for the purpose of securing advice deemed necessary in the formulation of policies and in the effectual discharge of its duties; (9) To cause such studies, investigations, and reports to be made and such information assembled as is necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making of essential and adequate reports;(10) To submit to the Governor and the Legislature a budget necessary to finance the state school program, under its jurisdiction, including the internal operation and maintenance of the State Department of Education; (11) To interpret its own policies, standards, rules, and regulations and upon reasonable request, hear complaints and disputes arising therefrom;..."

Section 79-329 states:"The State Board of Education shall have authority (6) to publish, from time to time, directories of schools and educators, pamphlets, courses of study, handbooks on school constitution and other matters of interest to educators..."

Section 79-332 reads:"The Commissioner of Education as the executive officer of the State Board of Education shall (2) keep the board currently informed and advised on the operation and status of all aspects of the educational program of the state under its jurisdiction;...(5) be responsible for promoting the efficiency, welfare, and improvement in the school system in the state, and to recommend to the board such policies, standards, rules, and regulations as may be necessary to attain these purposes; (6) promote educational improvement by (a) outlining and carrying out plans and conducting essential activities for the preparation of curriculum and other materials, (b) providing necessary supervisory and consultative services,(c) holding conferences of professional educators and other civic leaders, (d) conducting research, experimentation, and evaluation of school programs and activities, and in other ways assisting in the development of effective education in the state;...(8) Issue teachers' certificates according to the provision of law and the rules and regulations prescribed by the board;..."

Section 79-443 provides:"The district school boards and boards of education shall have the general care and upkeep of the schools, shall provide the necessary supplies and equipment, and, except as herein otherwise provided, shall have the power to cause pupils to be taught in such branches and classified in such

State: Nebraska

PART II (CONT.)

Section 79-443 (cont.)

grades or departments as may seem best adapted to a course of study which the school board or board of education shall establish with the consent and advice of the Department of Education.

State: Nebraska

Source of information unless otherwise stated: Revised Statutes of Nebraska, 1943, Reissue of 1958 and 1959 Cumulative Supplement, including Pocket addition thereto, April, 1961

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The Nebraska Revised Statutes contain no direct, explicit, or specific reference to AV media and their use. The closest statement to this area is in section 79-328, and has been quoted in Part II.

State: Nebraska

Source of information unless otherwise stated: Revised Statutes of Nebraska, 1943, Reissue of 1958 and Revised Statutes of Nebraska, 1943, 1959 Cumulative Supplement (where indicated).

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Secs. 79-312 (2) and (4); 79-321 (1) and 79-328(5)(g) and (9).

Yes 3. Preparing curricula

Secs. 79-312(2); 79-312(6); 79-332; 79-443; 79-495 (1); 79-496.

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

~~[illegible] 79-328(5)[illegible]~~ Secs. 79-328(5)(a) and (b); and 79-332(6)(b).

Yes 5. Organizing AV units and cooperative activities

Same as 2.

No 6. Conferring on AV use outside of State educational structure

State: Nebraska

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

Sec. 79-4,118.

Yes 8. Selecting textbooks (and observing academic freedom)

Same as 7.

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Sec. 79-443.

Yes 10. Financing acquisition by rent or purchase

Secs. 79-422; 79-431; 79-435; and 79-1302.

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Secs. 79-307; 79-316; and 79-328.

Yes 12. Distributing AV aids

Same as 9, above.

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

Secs. 79-328(5)(f); 79-332(8); 79-1201; and 79-1206.

Yes 15. Prescribing qualifications of using personnel

Sec. 79-1241.

State: **Nebraska**

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Sec. 79-328(5)(c).

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 79-312; 79-443; and 79-422.

Yes 18. Federal aid to schools

Sec.79-329.

Yes 19. State aid to schools

Secs. 79-472; 79-477; 79-1302; 79-475; and 79-476.

~~Yes~~ 20. Private aid to schools

Same as 18, above.

Yes 21. Library programs

Sec. 79-4,144.

Yes 22. Research programs

Secs. 79-328(9) and 79-332(6)(d).

Yes 23. Institutes

Secs. 79-304 and 79-1263.

No 24. Other established procedures

State: Nebraska

PART IV (Cont'd.)

Topic 2:

Sec. 79-312 - Lists general duties of county superintendent. Pertinent among them are:

> "(2) counsel with teachers and district boards as to the course ofstudy to be pursued and methods for the improvement of the instruction ... of the school; ...
> "(4) promote ... the improvement of the schools in his county ...." (1959 Cumulative Supplement).

Sec. 79-321(1) provides: "... The State Department of Education shall have general supervision and administration of the school system of the state, and of such other activities as the Legislature may direct." In subsection (3) of the same section, it is stated: "The State Board of Education, acting as a unit, shall be the policy-forming, planning, and evaluative body for the state school program. Except in the appointment of a Commissioner ofEducation, the board shall deliberate and take action with the professional advice and counsel ofthe Commissioner of Education.

79-328 gives the State Board of Education the power and duty to: "(5) ... (g) approve general plans and adopt educational policies, standards, rules, and regulations for carrying out the board's responsibilities and those assigned the State Department of Education by the Legislature [and] ... (9) ... cause such studies, investigations, and reports to be made and such information assembled as is necessary for the formulation of policies, for making plans, for evaluating the state school program, and for the making ofessential and adequate reports..." (1959 Cumulative Suppl.)

Topic 3:

Sec. 79-312(2) requires the county superintendent to counsel with teachers and district boards as to the course of study to be pursued and 79-312(6) requires him to furnish to each district in the county acopy of the course of study for public schools, as prescribed by the State Department of Education. (1959 Cumulative Suppl.)

Sec. 79-332 - The Commissioner of Education as the executive officer of the State Board of Education is to "(6) promote educational improvement by (a) outlining and carrying out plans and conductingessential activities for the preparation of curriculum and other materials."

Sec. 79-443 - States that district school boards and boards ofeducation "shall have the power to cause pupils to be taught in such branches and classified in such grades or departments as may seem best adapted to a course of study which the school board or board of education shall establish with the consent and advice of the Department ofEducation. In school In school districts of the first and second classes, the school boards shall classify the pupils according to a course ofstudy provided by the department."

PART IV (Cont'd.)

Sec. 79-495 provides, in part: "(1) The Commissioner of Education shall lay out a feasible elementary course of study adapted to rural school conditions, keeping in view a well-rounded education for each child. The minimum course of study for the first eight grades in common schools shall provide instruction in the fields of: (a) English, including reading; (b) language; (c) spelling; (d) penmanship; (e) social studies, including history; (f) civics and geography; (g) science, including health and agriculture; (h) arithmetic; and(i) fine arts, including music and art."

Sec. 79-496 -"The curriculum for the high school grades shall be based upon the program of studies, the courses of study, and the pupil and teacher guides issued by the Department of Education."

Topic 4:

Sec. 79-328 provides that the StateBoard ofEducation shall have the power and duty "(5) To provide, through the commissioner and his professional staff, enlightened professional leadership, guidance, and supervision of the state school system and, in order that the commissioner and his staff may carry out their duties, the board shall, through the commissioner, (a) provide supervisory andconsultative services to the schools of the state, (b) issue materials helpful in the development, maintenance, and improvement of educational facilities and programs..." (1959 Cum. Suppl.)

Sec. 79-332 provides that the Commissioner of Education as the executive officer of the Stae Board of Education shall, "... (6) promote educational improvement by ... (b) providing necessary supervisory and consultative services ..."

Topic 5:

See references listed under Topic 2, supra.

Topics 7 and 8:

Sec. 79-4,118 provides as follows: "School boards and boards of education of all classes shall purchase all textbooks, equipment, and supplies necessary for the schools ofsuch district." (No reference found as to how selected.)

Topics 9 and 12:

Sec. 79-443 provides: "The district school boards of education shall have the general care and upkeep of the schools, shall provide the necessary supplies and equipment..." ("Providing" would seem to include the power

STATE: Nebraska

PART IV (Cont'd.)

of "distributing.")

Topic 10:

Sec. 79-422 provides, in full, as follows: "Whenever it shall be deemed necessary (1) to erect a schoolhouse or school building, or an addition or additions and improvements to any existing schoolhouse, or (2) to purchase equipment for such schoolhouse or school buildings, in any school district in this state, the school board or board of education may, and upon petition of not lessthan one-fourth of the legal voters of said school district shall, submit to the people of said school district at the next general election or special election a proposition to vote a special annual tax for that purpose of not to exceed five mills on the dollar upon the assessed value of all the taxable property in such district, except intangible property, for a term of not to exceed ten years. Such special tax may be voted at any annual or special meeting of the district by fifty-five per cent of the legal voters attending such meeting.
~~Sec~~
Sec. 79-431 - School board or board of education of each school district is to prepare a budget prior to the annual school district meeting in each year, showing expenditures, revenues received from taxation, and revenuesavailable from sources other than taxation. Such budget is to be for the operation and maintenance of schools duringthe ensuing school year. (1959 Cum. Suppl.)

Sec. 79-435 - School board or board of education is to deliver to county superintendent and county clerk, for use of county board of equalization of each county, a certificate containing copy of budget as finally adopted. The certificate shall be in the form prescribed by the Commissioner of Education and shall include a statement showing the amount of funds necessary to be raised by tax levy. It is duty of county board of equalization to levy such taxes asare necessaryto provide the amount of revenues from property taxes as indicated by all of the data contained in the budget and certificate.

Sec. 79-1302 - Commissioner of Education is to make apportionment to counties of the moneys in the state school fund.

Topic 11:

Sec. 79-307 - Department of Education is to prescribe forms for making all reports and regulations for all proceedings under the general school laws of the state.

Sec. 79-316 - County superintendentsare subject to such rules and instructions as the Commissioner of Education may prescribe. County superintendents are to report annually to the commissioner the official labors performed, the general condition and management of the schools under their charge, and such other information as may be required of them.

STATE: Nebraska

PART IV (Cont'd.)

through the Commissioner
Sec.79-328 - State Board of Education/has power and duty to (5)(c), "establish rules and regulations based upon the program of studies, guidance services, the number and preparation of teachers in relation to the curriculum and enrollment, instructional materials and equipment, /and/ ... (d) prescribe a uniform system of records and accounting for keeping adequate educational and financial records, for gatheringand reporting necessary educational data, and for evaluating educational progress..." (1959 Cum. Suppl.)

Topic 14:

Sec. 79-328 (5)(f) - State Board of Education, through the commissioner, shall approve teacher education programs conducted in Nebraska institutions of higher education designed for the purpose of certificating teachers. (1959 Cum. Suppl.)

Sec. 79-332 (8) - Commissioner of Education as the executive officer of State Boardof Education is to "issue teachers' certificates according to the provisions of law and the rules and regulations prescribed by the board."

Sec. 79-1201 reads: "Teachers' certificates issued by the authority of the State of Nebraska and entitling the holders thereof to teach in the public, private, denominational, parochial, and state-operated schools of this state, shall be issued by the Commissioner of Education to all persons of sound mental and physical health and good moral character upon the recommendations of the Board of Regents ofthe University of Nebraska, the State Board of Education for Normal Schools and Teachers Colleges, and the governing bodies of other Nebraska institutions of higher education."

Sec. 79-1206 - Commissioner ofEducation is to accept as "education" only those courses listed in the catalog or certified by the respective teacher training institutions as "education."

Topic 15:

Sec. 79-1241 reads: "The Commissioner of Education shall have the authority to issue Special Teachers' Permits to persons, not holding any teacher certificate, to permit their employment as substitute teachers or as teachers in specialized fields for which ordinary teacher training provides inadequate preparation." (Could possibly be authority for individuals trained in usingspecial AV aids.)

Topic 16:

Sec. 79-328 (5)(c) - State Board of Education, through the commissioner, shall "establish rules and regulations ... and procedures for classifying, approving, and accrediting schools ...." (1959 Cum.Suppl.)

STATE: Nebraska

PART IV (Cont'd.)

Topic 17:

Sec. 79-312 - Requires the county superintendent to: (1) Visit each school in his county at least once a year and "(3) note the condition of the schoolhouse and appurtenances thereto, and ... make suggestions as to locations for new schoolhouses, ... and for the general improvement of the schoolhouse and grounds..." (1959 Cum. Suppl.)

Sec. 79-443 - District school boards and boards of education shall have general care and upkeep ofthe schools and shall provide the necessary suppliesand equipment.

Also see Sec. 79-422, referred to under Topic 10, supra.

Topics 18 and 20:

Sec. 79-329 - The State Board of Education shall have authority "(5) to receive and distribute according to law any money, commodities, goods, or services made available to the board from the state or federal government or from any other source..." (1959 Cum. Suppl.)

Topic 19:

Sec. 79-472 - Provides state aid to weak districts in order to provide nine months of school (or eight months if there are less than ten school-age children), provided that first there has been levied atax of twenty mills onthe dollar upon assessed value oftaxable property in the district.

Sec. 79-477 - Provides means for determining the amount to be apportioned each district under Sec.79-472.

Sec. 79-1302 - Sets up method of apportionment of funds in the state school fund to the counties, by the Commissioner of Education.

Sec. 79-475 - County superintendent is to certify the number of districts entitled to state aid under Secs. 79-472 to 79-477.

Sec. 79-476 - Commissioner of Education to certify the amounts of state/ aid due the several districts ~~aid due~~ under Secs. 79-472 to 79-477 to the county superintendents and the amountsdue the several countiesto the Auditor of Public Accounts, who shall then draw warrants on the State Treasurer in favor ofthe various counties for the sums so specified by the commissioner. State Treasurer remits such amounts to the credit of the counties.

STATE: Nebraska

PART IV (Cont'd.)

Topic 21:

Sec.79-4,144 reads: "The school board or board ofeducation ofevery school district shall set aside annually from the general funds collected for the use ofthe district the sum of five dollars per teacher employed within the school district as shown by the annual report to the county superintendent as a district library fund,which shall be invested annually by the board in suitable books other than regular textbooks, except that if a sum equal to or greater than the above amount is raised by entertainment or otherwise and paid into the district library fund, the school board or board of education of said district will be exempt from making such payment, and if an amount in excess of five dollars per teacher is expended in any one year the excess may be deducted from the required expenditures for the succeeding year or years."

Topic 22:

Sec. 79-328 (9) gives the State Board of Education the power and duty "To cause such studies, investigations, and reports to be made and such information assembled as is necessary for the formulation of policies, for making plans, for evaluatingthe state school program, and for the making of essential and adequate reports." (1959 Cum. Suppl.)

Sec. 79-332 ~~(d)~~ (6)(d) gives the Commissioner of Education authority to conduct "research, experimentation, and evaluation ofschool programs and activities" and in other ways assist "in the development of effective education in the state..."

Topic 23:

Sec. 79-304 provides: "The Commissioner of Education shall organize institutes and conferences at such times and places as he shall deem practicable. He shall, as far as practicable, attend such institutes and conferences, provide proper instructors for the same, and in other ways seek to improve the efficiency ofteachers and advance the cause of education in the state."

Sec. 79-1263 - "For the purpose of allowing teachers an opportunity to improve thenselves in the art of teachingand to promote uniform methods of instruction in the publicschools of the state, county teachers' institutes shall be organized and conducted annually by county superintendents. Two or more county superintendents may organize and conduct joint institutes at such time and place asthey deem practicable in lieu of the county institute."

NEVADA (1959-60)

Enrollment in full-time public schools:	
Elementary	52,242
High School	14,173
Number of school districts (including non-operating)	17
Number of elementary schools	171
Number of high schools (including junior high)	45
Expenditure per pupil in average daily attendance	$430

Source: U. S. Department of Health, Education, and Welfare, *Preliminary Statistics of State School Systems, 1959-1960* OE-20006-60, pp. 6-7, 9, 11.

NEVADA

County Superintendencies

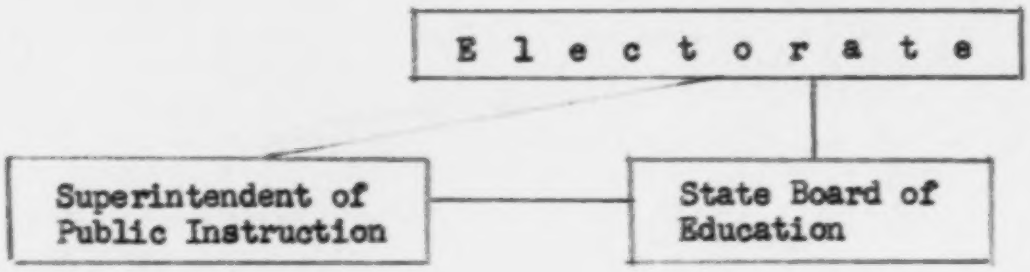
The State has a complete county-unit school system composed of 17 county-unit superintendencies. All public schools in cities and towns are administered by the superintendent of schools of the county in which they are located. The enrollment data are as of September 1960.

Source: U. S. Department of Health, Education, and Welfare, *Education Directory, 1960-61*, Part 2, OE-20005-61, p. 130.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 102-103 as amended.

N E V A D A

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



(See note below)

2. State Education Boards

   a. Schools....

   State Board of Education.--Consists of 8 lay members: six members shall be elected, one from each of the educational supervision districts of the State; and two members shall be appointed by the elected members of the board. The elective lay members shall be elected as follows: (a) at the general election in 1956, and every 4 years thereafter, three members shall be elected, one from each of the odd-numbered educational supervision districts; (b) at the general election in 1958, and every 4 years thereafter, three members shall be elected, one from each of the even-numbered educational supervision districts. Each of the lay members so elected shall hold office for a term of 4 years. The elected members shall appoint two members to serve for terms of 4 years, but the members so appointed shall not be residents of the same county. One of the appointed members shall be representative of labor, and one shall be representative of agriculture. If a vacancy shall occur on the board from among the elected members, the governor shall appoint a member to fill the vacancy for the remainder of the unexpired term. If a vacancy shall occur in the office of an appointive member, the elected members shall fill the vacancy for the remainder of the unexpired term. The board elects one of its members as president and the superintendent of public instruction shall be the secretary.

   b. Supplementary programs

   State Textbook Commission.--Consists of the members of the State board of education and 5 additional persons appointed by the governor for concurrent 4-year terms. One appointive member is chosen from each of the 5 educational supervision districts of the State. Appointive members are persons actively engaged in school work. The textbook commission selects and adopts textbooks for use in the public elementary schools and approves such supplemental books as in the opinion of the commission will best serve the educational interests of the State.

NOTE: The State superintendent of public instruction was formerly elected by the people but through amendment to the school code he is now appointed by the board of education.

3. Chief State School Officer

The superintendent of public instruction shall be appointed by the state board of education; but any person elected to the office of superintendent of public instruction prior to the effective date of this section shall continue to hold such office until the expiration of the term for which he may have been elected. To be eligible a person shall have attained the age of 21 years at the time of his appointment, and hold a master's degree in the field of education or school administration.

7. Coordination of the State Education System Through Structure

The State board of education and the State superintendent of public instruction are jointly responsible for coordinating the public elementary and secondary education program.

8. Coordination of the State Education System Through Ex Officio Memberships

The governor serves ex officio on the State board of education,.... and the State textbook commission.

The State superintendent of public instruction serves ex officio on the State board of education,...and the State textbook commission.

The State board of education...and its members are ex officio members of the State textbook commission.

9. Fiscal Coordination

Three State educational agencies submit budgets to the governor. These are the superintendent of public instruction... The superintendent of public instruction is responsible for preparing the State department of education budget which includes the budgetary requests of the State board of education....

In preparing the State budget the governor may, in his discretion, revise all estimates presented by a State educational agency with the exception of those providing for the payment of the principal and interest of the State debt and the salaries and expenditures specified by the constitution and the laws of the State. The State director of the budget, an appointee of the governor, carries out such duties in the preparation of the State budget as are required by the governor. Final jurisdiction over budgetary matters rests with the legislature.

NEVADA

(References are to Title 34 of the Nevada Revised Statutes, 1961, unless otherwise stated.)

State Organizational Struture

At the top of the hierarchy is the State Board of Education established by section 385.020. Its officers include a Secretary, who is also the Superintendent of public instruction, according to section 385. 030.

It is section 385.010 which creates a State Department of Education, which is to function under the direction and control of the State Board of Education. Its executive head is the Superintendent of public instruction. Some of the agencies which are included in the State Department of Education are the State Board of Education and the State Textbook Commission.

The superintendent has the authority to appoint two assistant superintendents pursuant to sections 385.290 and 385. 300. Any deputy superintendents which are necessary may also be appointed by the superintendent. This is authorized by section 385.330.

The School Districts in Nevada are of two types, County or Joint. Section 386.010 provides for these. The Trustees of each District are authorized to constitute a Board by section 386.110. The officers of the Board of Trustees are a president and a clerk, according to section 386.310. This establishes the local organization for the State.

Supervision and Authority

Section 385.010 provides that all administrative functions of the State Board of Education and of the Superintendent of public instruction shall be exercised through the State Department of Education, as well as all administrative functions relating to the supervision, management and control of schools not conferred by law on some other agency.

As executive head of the State Department of Education, the Superintendent is to execute, direct and supervise all administrative and technical activities of the Department in accord with the policies prescribed by the State Board of Education. He also is authorized to employ such personnel as are approved by the State Board, and are necessary for the efficient operation of the Department.

Section 385.180 directs the Superintendent to visit and consult with the different schools, to study with school officers on topics of school administration and methods, and conduct institutes. Conferences may also be called by the Superintendent pursuant to section 385.190, which sets up the procedure which is to govern.

Other powers of the Superintendent include the approval of books used in libraries according to section 385.240 and the power to suspend teachers' certificates pursuant to section 385.265

The general section which applies to the Superintendent indicates that he is only permitted to perform those duties which are specifically granted to him. Section 385.260 read "The Superintendent of public instruction shall perform such other duties relative to public schools as may prescribed by law." Therefore, his is not ~~only~~ a discretionary power.

The general power of the State Board of Education is granted by section 385.080. This section permits the Board to adopt rules and regulations not inconsistent with the constitution and laws of the State for its own government, and which are proper or necessary for the execution of the powers and duties conferred by law. Some of those rules govern State teacher examinations according to section 385.090 and courses of study for public schools under section 385.110. The lists of books chosen by the Superintendent is then approved by the State Board also, pursuant to section 385.120.

The duties of the assistant superintendents are conferred by sections 385.290 through section 385.315. According to these the first assistant performs duties similar to the Superintend himself, while the second assistant is the State financial officer. They act subject to the orders given by the Superintendent. Any deputy superintendents perform in a similar fashion, pursuant to section 385.330, in assisting the Superintendent choose courses of study under section 385.390 and assisting in teachers' exams.

The general powers of the Boards of Trustees are conferred by section 386.350. Each Board is given the reasonable and necessary powers required to attain the ends for which the public schools are established, and to promote the welfare of school children. The Boards of Trustees have the power to prescribe and enforce rules for its own government and the government of public schools under its charge, as long as they are consistent with those prescribed by the State Board of Education. This is the import of section 386.360.

One of the important powers of the Boards of Trustees enumerated by the School Code is the power to accept any gift or bequest of money or property for the school District. This authority is granted by section 386.390.

The Trustees may also direct the principals and teachers employed by them to exercise the powers and authority of the Board of Trustees according to section 391.210. The teachers, being the bottom level of the Educational system, enforce the courses of study and the use of legally authorized textbooks, pursuant to section 391.260.

Elections and Appointments

The State Board of Education is made up of eight lay members, six of whom are elected in the general election, three every four years. The remaining two members are appointed by those who are elected to the Board. This procedure is established by section 385.020;

The president of the Board and the Secretary are elected by the lay members pursuant to section 385.030. It is the latter official who is the Superintendent of public instruction. As was pointed out earlier, section 385.010 also authorizes the Superintendent to be the executive head of the State Department of Education. This means that he performs a dual function, by virtue of the election by the Board.

The Superintendent is permitted to appoint the two assistant superintendents and any deputy superintendents he deems necessary. The sections which confer this power are 385.290, 385.300, 385.330.

The Boards of Trustees are organized from the trustees of each school District into a body corporate by authority of section 386.110. Their election is provided for by chapters 296, 300 and 303 of the Nevada Revised Statutes.

Planning the Use of A-V Aids

The Nevada Revised Statutes contain no specific reference to A-V Aids at all. The closest they come is section 393.160 which empowers the Boards of Trustees to purchase, rent or otherwise acquire supplies and equipment necessary for the operation of the public schools. Another section closely allied to this is 393.170. This directs the Trustees to purchase all new textbooks and permits the supply of equipment and materials for use in manual training, industrial training and teaching domestic science.

In the case of textbooks their acquisition is closely scrutinized by the State Board of Education, through the Textbook Commission. Section 393.170 points this out. The Boards of Trustees actually enforce the use of textbooks prescribed and adopted by the State Board of Education. The authority for this procedure is sections 390.090 and 390.220.

Since there is no similar provision for the obtaining of other supplies and equipment, it may be inferred that the Boards of Trustees make the final decision on their supply, as well as use.

The use of A-V Aids may very well be determined by the Superintendent of public instruction. Section 385.010 provides that he be the administrative agent for the State Board of Education. Pursuant to that section, those functions relating to the supervision, management, and control of schools not conferred on other agencies is delegated to him, as though by a process of elimination.

Asimilar function of the Superintendent is granted by section 385.190. He is directed to convene teachers' conferences, as well as conferences for school administrators.

These two sections may be read together, such that the Superintendent of public instruction would be the person with the legal authority to plan the use of A-V Aids.

Courses of Study

The State Board of Education prescribes and causes to be enforced the courses of study for the public schools. Section 385.110 also permits high schools to have modified courses of study, subject to the approval of the State Board. This means that the initial choice of courses is in the hands of the State Board.

Further evidence of the State Board's power is seen in section 389.010. This section directs the Boards of Trustees to enforce the courses of study prescribed. Even the teachers are provided for; section 391. 260 states that every teacher shall enforce the courses of study prescribed .

Organizing A-V Units

Although the State Board of Education has the authority to adopt rules and regulations for its own government and proper and necessary for the execution of the powers and duties conferred upon it, the Boards of Trusteesalso have a great deal of discretion. Section 386.350 provides that each Board has the reasonable and necessary powers required to attain the ends for which the public schools are established, and to promote the welfare of school children. The only limitation is that they not conflict with the constitution and laws of Nevada.

The Boards of Trustees also may direct the principals and teachers to exercis the power and authority of a Board of Trustees. This discretion is conferred by section 391.260.

These two sections may indicate that the organizing of A-V Units would occur on the local level.

Conferring on Use of A-V Aids Outside Educational Structure

Along with the direction of section 385.190 to convene teachers' conferences, the Superintendent of Public Instruction is also to engage such conference lecturers and leaders as he shall deem advisable. He is also given the discretion to convene conferences for school administrators, in such places and at such times as he may designate. This is reasonably relevant to having outsiders assist State educators in learning about the use of A-V Aids. There is no provision which limits the Superintendent's choice of subjects or lecturers at these conferences.

Selecting A-V Aids

The Boards of Trustees of the School Districts are authorized by section 393160 to purchase, rent, or otherwise acquire supplies and equipment necessary for the operation of the public schools. This appears to be the only grant of authority in Nevada for the acquiring or the selecting of A-V Aids.

Purchase and Supply of Textbooks

The purchasing of textbooks is done by the Boards of Trustees pursuant to the authority granted by section 393.170 However, this section points out that the textbooks are first approved by the State Textbook Commission. This agency is established by section 390.010. It consists of the State Board of Education and six additional persons appointed by the governor. Its meetings to adopt textbooks are held in the office of the Superintendent of public instruction according to section 390.090 The Trustees then enforce the use of the textbooks prescribed and adopted, by virtue of section 390.220.

The cost of the textbooks is a legal charge against the School District Fund, as authorized by section 393.170. That section also provides that equipment and materials for use in manual training, industrial training and domestic science teaching may be supplied in the same manner, out of the same fund, and on the same terms and conditions as books.

Regulating the Use of A-V Aids

Although the State Board of Education appears to be the main authority in Nevada on such related topics as Text-books and Library Programs, it may very well be that the local Boards of Trustees, who are authorized to obtain all necessary school supplies, presumably without any restriction, may also regulate the use of A-V Aids. Support for this idea may be found in those sections directing the Boards of Trustees to enforce the text-books and courses of study selected by the State Board.

It seems that the purchasing of school supplies would include the regulating of them as well. Since there is no provision to the contrary, the inference is reasonable.

Distributing A-V Aids

The Nevada Revised Statutes contain no reference to the distributing of A-V Aids. The closest reference may be the system by which text-books are adopted. They are purchased by the local Boards of Trustees, pursuant to section 393.170. However, this is the final step on the process, following selection by the State Text-book Commission.

Another process which might apply is the manner in which courses of study are enforced. They are prescribed by the State Board of Education, pursuant to section 385.110. And the Boards of Trustees enforce those courses, as do the teachers. The State Board also gives the stamp of approval on those modified courses selected by the high schools, as stated in section 385.110.

Producing A-V Aids

The Nevada Revised Statutes contain no provision for the production of A-V Aids. The only section concerned with obtaining supplies and equipment is 393.160. That section only discusses the ability of the Boards of Trustees of a School District to acquire in any way the necessary materials for the operation of the public schools. If this can be construed so as to permit the production of the materials, perhaps it may also apply to A-V Aids.

Certificating Teachers and Accrediting Schools

The State Board of Education, not only grades the schools in the State pursuant to section 385.011, but also is the agency which grants teachers' certificates under its own rules and regulations as authorized by section 391.020. Also section 385.090 combines both these functions in the Board.

The power of the State Board of Education over teachers' certificates is very comprehensive. The Certification Bureau within the State Department of Education, including the Superintendent of Public instruction as its administrator, are established by the Board according to section 391.030.

Section 385.090 Directs the State Board to prescribe rules and regulations for and to authorize the holding of State teacher exams. The Board may also either suspend or revoke any teacher's certificate for any cause specified by law, pursuant to section 391.320. And the causes are listed in section 391.330. Before a certificate is revoked, the Superintendent of public instruction may suspend the certificate for any of those same causes. This authority is granted by section 385.265.

The Superintendent, who is nothing more than the administrative arm of the State Board under section 385.010, may appoint deputy superintendents to act as the examiners, by the authority of section 383.390.

Prescribing Qualifications and Advising Subordinates on the Use of A-V Aids

As there is no specific provision for either the use of A-V Aids or to using personnel, the Statutes have not provided for their qualifications or use.

A closely allied subject is certificating teachers. This is because teachers often will be the personnel operating and using the A-V Aids. All teachers' certificates issue from the State Board of Education, according to sections 385.090 and 391.020. The Superintendent of public instruction administers the rules and regulations of the State Board, even though he may appoint deputy superintendents.

Other Financial Aid to Education

The State Board of Education is authorized to accept gifts of moneys by section 385.140, if the purpose is within the scope of the Board's powers and duties. Other gifts may be made to the Boards of Trustees pursuant to section 386.390.

On the other hand Federal Funds are only accepted by the State Board of Education under rules and regulations prescribed by the Board. However, Other Federal Services are also acceptable. Section 385.100, which covers this power, also provides that all contracts, agreements or arrangements made by public schools and school systems involving funds, services, commodities or equipment which may be provided by agencies of the Federal Government shall be entered into in accordance with the regulations prescribed by the State Board of Education and in no other manner. The only exceptions provided for are financial assistance in areas affected by federal activities. This may indicaate that other exceptions could be obtained.

According to section 387.060, Federal money paid to the State by the Secretary of the Treasury from the forest reserves are to be distributed to those counties in which the preserves are located, and expended for the benefit of their public schools. 387.065 also provides for the distribution of money derived from bonuses, royalties, and rentals from the Federal law promoting the mining of coal and other minerals. This is to be paid to the State Treasurer and deposited into the State Distributive School Fund.

Library and Research Programs

Section 385.240 provides that the Superintendent of public instruction approve or disapprove lists of books for use in public school libraries. This action is subject to the approval of the State Board of Education by section 385.120.

The Board of Trustees is directed by section 393.190 to expend for library books at least $L for rach child each year, with a minimum of $10 for any school. It also provides that library books be purchased and paid for in the same manner as other school supplies. According to section 393.160 the Board of Trustees of a School District has the power to purchase, rent, or otherwise acquire supplies and equipment necessary for the operation of the public schools. This section also permits the Trustees to repair any equipment.

The Superintendent of Public Instruction is directed by section 385.190 to convene teachers' conferences when and where he deems it advisable, as well as conferences of school administrators. When a teachers' conference is called, all teachers without loss of salary are required to attend by section 391.280, unless excused by the Superintendent for good cause. Section 391.290, which provides for the payment of both living and travel expenses for teachers and school administrators out of the School District Fund, also indicates that school administrators are required to attend their conferences, unless excused for good cause.

Financing the Acquisition of A-V Aids

Although nothing specifically refers to the financing of A-V Aids, other subjects similar to this have been provided for. Library books expenditures are covered by section 393.190. There the Boards of Trustees of each School District are to spend $1 for each child each year, with a minimun of $10 for any school. Then the section states that library books shall be purchased and paid for in the same manner as other school supplies.

Section 393.160 is concerned with the purchase of school supplies and equipment. The power to do this is granted to the Boards of Trustees.

Chapter 354 of the Nevada Revised Statutes indicates that the Boards of Trustees are to transact business upon a cash basis. The section in which this is found is 354.340. The Boards of Trustees, as governing boards of a political subdivision, also prepare their budgets, according to section 354.350.

On the other hand text-books are purchased pursuant to Chapter 333, section 333.210. This section provides that the Superintendent and the State Text-book Commission are to be consulted.

State Financial Aid to Education

Section 387.010 provides that there shall be a State Permanent School Fund, consisting of (a) All moneys accruing to the State from the sale of lands, (b) All fines collected under the penal laws, and (c) all estates which may escheat to the State. The State Permanent School Fund is to be an irreducible and indivisible fund, invested by the State Board of Finance.

All moneys derived from interest on the Permanent Fund, together with all moneys derived from other sources provided by law constitute the State Distributive School Fund. It is this, according to section 387.030, that is apportioned among the several school Districts.

Since section 386.010 establishes two types of Districts, each one has a different School District Fund. The County Districts have a County School District Fund created by section 387.170 and the JointSchool Districts' School Funds are set up pursuant to section 387.230.

The composition of the County School District Fund includes all local taxes for the maintenance and operation of the different schools, all moneys received from the Federal government, receipts from the sales of school property, and apportionments by the state from the State Distributive Fund. Section 387.175 is the authority for this characterization. Once so constituted, section 387.205 authorizes the use of the Funds. Sub part 1 directs that it be used, among other things, for the maintenance and operation of public schools. Sub part 2 permits the use of the County District School Fund, when available, for the purchase of sites for school facilities and school buildings.

Sections 387.230, 387.235 and 387.260, which establish the composition of the Joint School District Fund and its uses, are worded almost identically to those which establish the County District Fund.

The apportionment of the State Distributive Fund into the different District Funds is conducted pursuant to the procedure in section 387.125 It is the State Board of Education who apportions the moneys among the different Districts. However, the Boards of Trustees in the Districts prepare their respective budgets, from which the expenses are estimated. Their authority is conferred by section 387.300.

State: Nevada

Source of information unless otherwise stated: Title 34 of the Nevada Revised Statutes, 1961

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

There is no statutory authority relating specifically to audio-visual media and their use.

State: **Nevada**

Source of information unless otherwise stated: **Title 34, Nevada Revised Statutes, 1961**

PART IV

4

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject.
Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

(b) Secs. 393.160, 393.170, 385.010

Yes 3. Preparing curricula

(a) Secs. 385.110, 389.010, 391.260

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Secs. 385.180(1); 385.210; 385.130

Yes 5. Organizing AV units and cooperative activities

(b) Secs. 386.350, 391.260

Yes 6. Conferring on AV use outside of State educational structure

(b) Sec. 385.190, 385.180(1)(b)

State: Nevada

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
(b) Sec. 393.160

Yes 8. Selecting textbooks (and observing academic freedom)
(a) Sec. 393.170, 390.010, 390.090, 390.220, 393.170

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
(b) Secs. 393.160, 393.170

Yes 10. Financing acquisition by rent or purchase
(b) Sec. 393.190, 393.160, 354.340, 354.350,333.210

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
(b) Secs. 389.010, 390.220, 393.160

Yes 12. Distributing AV aids
(b) Sec. 393.170, 385.110

No 13. Producing AV aids
No references

Yes 14. Certificating teachers and AV professionals
(a) Secs. 391.020, 385.090, 391,030, 391.320,
391.330,385.265,383.390

Yes 15. Prescribing qualifications of using personnel
(b) Secs. 385.090, 391.020

State: Nevada

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
(a) Sec. 385.011, 391.020

Yes 17. Building or remodeling schools to facilitate AV use
Secs. 393.080, 393.100, 393.110

Yes 18. Federal aid to schools
(a) Secs. 385.100, 387.060, 387.065

Yes 19. State aid to schools
Secs. 387.010, 387.030, 387.170, 387.230, 387.175,
387.205, 387.235, 387.260, 387.125, 387.300

Yes 20. Private aid to schools
(a) Secs. 385.140, 386.390

Yes 21. Library programs
(a) Secs. 385.240, 385.120, 393.190, 393.160

Yes 22. Research programs
Sec. 385.180(2)

Yes 23. Institutes
(a) Secs. 385.190, 391.280, 391.290, 385.180

_____ 24. Other established procedures

State: Nevada

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

The only analogy between AV aids and the Nevada statutes is typified by Secs. 393.160 and 393.170 which provide for the purchase and acquisition of supplies, equipment and textbooks. Other than these terms, there is no reference to AV aids in the Nevada Statutes.

The use of AV aids may very well be determined by the Superingendent of Public Instruction. Sec. 385.010 provides that he be the administrative agent for the State Board of Education. Pursuant to that section, those functions relating to the supervision, management, and control of schools not conferred on other agencies are delegated to him.

Sec. 385.190 directs said Superintendent to convene teachers' conferences, as well as conferences for school administrators.

These last two sections read together would seem to give the State Superintendent the legal authority to plan the use of AV aids.

Topic 3 - Planning curricula

Sec. 385.110 - The State Board of Education prescribes and causes to be enforced the courses of study for the public schools. High schools are permitted to have modified courses of study, subject to the approval of the State Board. This means that the initial choice of causes is in the hands of the State Board.

Sec. 389.010 provides that the boards of trustees shall enforce the courses of study prescribed by the State Board. Sec. 391.260 places the same duty on teachers.

Topic 4 - Advising subordinate units

There is no specific authority for advising subordinate groups on the use of AV material. However, such function could easily be performed through the State Superintendent's power to visit schools and to conduct institutes on subjects pertaining to education, school methods and school laws, Sec. 385.180(1).

Also, the State Superintendent's office, because of his authority to prepare and print registers, pamphlets, forms, Sec. 385.210, and his duty to list books for school libraries, Sec. 385.130, would seem to be the logical agency to publish lists of available AV material.

Topic 5 - Organizing AV units

Sec. 386.350 provides that the boards of trustees have the reasonable and necessary powers required to attain the ends for which the public schools are established, and to promote the welfare of school children.

State: Nevada

PART IV - continued (5)

Sec. 391.260 directs the principals and teachers to exercise the power and authority of a board of trustees.

These two sections may indicate that the organizing of AV units would occur on the local level.

Topic 6 - Conferring on use

Sec. 385.180(1)(b) provides that the State Superintendent shall consult and study with school officers and educators of Nevada and other states on topics of school administration, school methods and school law.

Sec. 385.190 authorizes the State Superintendent to convene teachers' conferences and engage such conference lecturers and leaders as he shall deem advisable. He is also given the discretion to convene conferences for school administrators.....

Topic 7 - Selecting AV aids

Sec. 393.160 giving the board of trustees the authority to purchase and rent supplies and equipment would seem to indicate that the board without anything to the contrary would have the initial power of selecting said supplies and equipment.

Topic 8 - Selecting textbooks

Textbooks are purchased by the boards of trustees, Sec. 393.170, after they are approved and adopted by the State textbook commission, Sec. 390.010. This agency is established by Section 390.010. It consists of the State Board of Education and six additional persons appointed by the governor. Its meetings to adopt textbooks are held in the office of the Superintendent of Public Instruction, Sec. 390.090. The Trustees then enforce the use of the textbooks prescribed and adopted, Sec. 390.220. The cost of the textbooks is charged to the District fund, Sec. 393.170.

Topic 9 - Acquiring AV aids

Sec. 393.160 authorizes the boards of trustees to purchase, rent, or otherwise acquire supplies and equipment necessary for the operation of the public schools. This appears to be the only grant of authority in Nevada for the acquiring or the selecting of AV aids.

Sec. 393.170 empowers the board of trustees to purchase textbooks, (see Topic 8).

Topic 10 - Financing acquisition

Although nothing specifically refers to the financing of AV aids, other subjects similar to this have been provided for. Library books expenditures are covered by Section 393.190. There the Boards of Trustees of each School District are to spend $1 for each child each year, with a minimum of $10 for any school. Then the section states that library books shall be purchased and paid for in the same manner as other school supplies.

PART IV - continued (6)

Section 393.160 is concerned with the purchase of school supplies and equipment. The power to do this is granted to the Boards of Trustees.

Chapter 354 of the Nevada Revised Statutes indicates that the Boards of Trustees are to transact business upon a cash basis. The section in which this is found is 354.340. The Boards of Trustees, as governing boards of a political subdivision, also prepare their budgets, according to section 354.350.

On the other hand text-books are purchased pursuant to Chapter 333, Section 333.210. This section provides that the Superintendent and the State Textbook Commission are to be consulted.

Topic 11 - Regulating the use

Although the State Board of Education appears to be the main authority in Nevada on such related topics as textbooks and library programs, it may very well be that the local boards of trustees, who are authorized to obtain all necessary school supplies, presumably without any restriction, may also regulate the use of AV aids. Support for this idea may be found in those sections directing the boards of trustees to enforce the textbooks and courses of study selected by the State Board (Secs. 390.220, 389.010).

It seems the purchasing of school supplies, Sec. 393.160, would include the regulating of them as well. Since there is no provision to the contrary, the inference is reasonable.

Topic 12 - Distributing AV aids

There is no direct reference to the distribution of AV aids. A close analogy would be that to distributing textbooks. Textbooks are purchased by the boards of trustees, Sec. 393.170. Once in the hands of this board it is reasonable to assume that they have the further duty of distributing them among the schools.

Sec. 385.110 supports this idea. That section provides for the enforcement by the board of trustees of the courses of study prescribed by the State Board. This enforcement power would indicate that the administrative end of education is left to the local boards.

Topic 13 - Producing AV aids

No reference.

Topic 14 - Certificating teachers

Sec. 391.020 - All teachers' certificates shall be granted by the State Board. The State Board may issue certificates to all qualified persons under rules and regulations it prescribes.

The power of the State Board over teachers' certificates is very comprehensive. The Certification Bureau within the State Department of Education established by the Board pursuant to Sec. 391.030.

Sec. 385.090 directs the State Board to prescribe rules and regulations for and to authorize the holding of State teacher exams. The Board may also suspend or revoke any teacher's certificate for any cause specified by law, pursuant to Sec. 391.320; 391.330. Before a certificate is revoked, the State Superintendent may suspend the certificate, Sec. 385.265.

The State Superintendent may appoint deputy superintendents to act as the examiner, Sec. 383.390.

Topic 15 - Prescribing qualifications of using personnel

Using the analogy of teachers, qualifications for using personnel would be prescribed by the State Board and would be subject to the administrative control of the State Superintendent. See Topic 14, specifically, Secs. 385.090; 391.020

Topic 16 - Accrediting schools

Sec. 385.011 provides that the State Department of Education shall grade the schools in the state, designating which schools are secondary schools and which are elementary schools.

Topic 17 - Building or remodeling schools

Sec. 393.080 provides that the board of trustees of a school district shall have the power to build, purchase or rent schoolhouses and other buildings.....

Sec. 393.100 states that it is the duty of the board of trustees to keep the public school buildings in its charge in such repair as is necessary for the comfort and health of pupils and teachers.

Before letting any contract for the erection of any new school building, or for letting any contract totaling more than 5,000 for any addition to or alteration of an existing school building, the board of trustees of a school district shall submit plans therefor to and obtain the written approval of the plans by the state planning board, Sec. 393.110.

Topic 18 - Federal aid

Federal funds are only accepted by the State Board under rules and regulations prescribed by the Board, Sec. 385.100(1).

Sec. 385.100(2) provides that all contracts, agreements or arrangements made by public schools and school systems involving funds, services and commodities or equipment which may be provided by agencies of the Federal Government shall be entered into in accordance with the regulations prescribed by the State Board of Education and in no other manner.

According to Sec. 387.060, federal money paid to the State by the Secretary of the Treasury from the forest reserves are to be distributed to those counties in which the preserves are located. Sec. 387.065 provides for the distribution of money derived from bonuses, royalties, and rentals from the federal law promoting the mining of coal and other materials. This is to be paid to the State Treasurer and deposited into the State Distributive School fund.

Topic 19 - State aid

Section 387.010 provides that there shall be a State Permanent School Fund, consisting of (a) all moneys accruing to the State from the sale of lands, (b) all fines collected under the penal laws, and (c) all estates which may escheat to the State. The State Permanent School Fund is to be an irreducible and invidisible fund, invested by the State Board of Finance.

All moneys derived from interest on the Permanent Fund, together with all moneys derived from other sources provided by law constitute the State Distributive School Fund. It is this, according to section 387.030, that is apportioned among the several school districts.

Since Section 386.010 establishes two types of districts, each one has a different School District Fund. The County Districts have a County School District Fund created by Section 387.170 and the Joint School Districts School Funds are set up pursuant to section 387.230.

The composition of the County School District Fund includes all local taxes for the maintenance and operation of the different schools, all moneys received from the Federal government, receipts from the sales of school property, and apportionments by the state from the State Distributive Fund. Section 387.175 is the authority for this characterization. Once so constituted, Section 387.205 authorizes the use of the Funds. Sub-part 1 directs that it be used, among other things, for the maintenance and operation of public schools. Sub-part 2 permits the use of the County District School Fund, when available, for the purchase of sites for school facilities and school buildings.

Sections 387.230, 387.235 and 387.260, which establish the composition of the Joint School District Fund and its uses, are worded almost identically to those which establish the County District Fund.

The apportionment of the State Distributive Fund into the different District FUnds is conducted pursuant to the procedure in Section 387.125. It is the State Board of Education who apportions the moneys among the different Districts. However, the Boards of Trustees in the Districts prepare their respective budgets, from which the expenses are estimated. Their authority is conferred by Section 387.300.

PART IV - continued (9)

Topic 20 - Private aid

The State Board of Education is authorized to accept gifts of moneys by Sec. 385.140, if the purpose is within the scope of the Board's powers and duties. Other gifts may be made to the Boards of Trustees pursuant to Section 386.390.

Topic 21 - Library programs

Sec. 385.240 provides that the State Superintendent approve or disapprove lists of books for use in public school libraries. His actions are subject to the approval of the State Board, Sec. 385.120.

The board of trustees is directed by Sec. 393.190 to expend for library books at least one dollar for each child each year, with a minimum of ten dollars for any school. This section also provides that library books shall be purchased and paid for in the same manner as other school supplies, i.e., like supplies and equipment provided for in Sec. 393.160.

Topic 22 - Research

Sec. 385.180(2)provides that the State Superintendent shall consult and study with local school officials and educators on school topics and administration. This activity necessarily entails investigation into the particular needs of education and the methods of teaching and administering education.

Topic 23 - Institutes

Sec. 385.180 provides that the State Superintendent shall visit each county in the state and shall conduct institutes.....

Sec. 385.190 directs the State Superintendent to convene teachers' conferences when and where he deems it advisable, as well as conferences of school administrators.

Sec. 391.280 requires all teachers to attend teachers' conferences, unless excused. Sec. 391.290 requires school administrators to attend their conferences, unless excused for good cause.

NEW HAMPSHIRE (1959-60)

Enrollment in full-time public schools:	
Elementary	81,064
High Schools	24,763
Number of school districts (including non-operating)	230
Number of elementary schools	397
Number of high schools (including junior high)	92
Expenditure per pupil in average daily attendance	$348

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

NEW HAMPSHIRE

Supervisory Union and Independent School Superintendencies

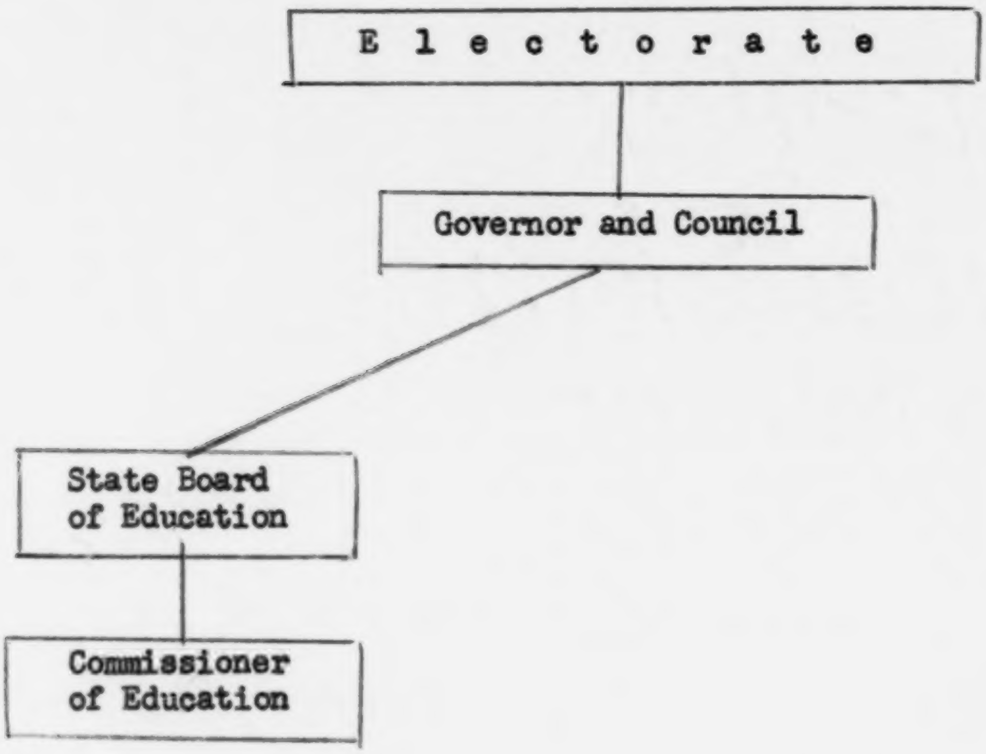
There are 48 school superintendencies in the State: 38 supervisory union and 10 independent city superintendencies. There are no county school superintendents in the State. The general administration of public schools is under the supervision of a supervisory union or independent city superintendent. In this State, two or more towns combine to form a supervisory union superintendency; they employ a superintendent who has jurisdiction over all schools in the union.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 131.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 104-105.

NEW HAMPSHIRE

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools.....

   State Board of Education.--Consists of 7 members appointed by the governor and the council for overlapping 5-year terms. Members of the board are not technical educators nor persons professionally engaged in school work. The governor names the chairman of the board who serves for one year and until his successor is appointed. (The council consists of 5 members elected biennially on a partisan ballot by qualified voters. For the purpose of electing members of the council the State is divided into 5 districts, and each district elects 1 councilor. However, if no person obtains a plurality of votes in a district, the legislature elects a councilor from such district by joint ballot, selecting 1 of the 2 persons who received the highest number of votes in the district election. The council advises the governor in the executive part of government.)

3. Chief State School Officer

The commissioner of education is employed by the State board of education and serves as the chief executive officer and secretary of the board. The commissioner of education is a skilled executive with training and experience in educational work. He need not be a resident of the State. He is appointed for an indefinite term and is subject to removal upon the majority vote of the entire board.

7. Coordination of the State Education System Through Structure

The State board of education is primarily responsible for the coordination of the public elementary and secondary education program and of the vocational education and vocational rehabilitation program.

9. Fiscal Coordination

Two educational agencies submit budgets to a budget committee composed of the governor, the comptroller, the legislative budget assistant, the governor's administrative assistant, and the heads of the appropriations committees of the house and senate. These agencies are the State board of education..... The budgets thus submitted are altered as this committee sees fit, for the committee has the power to change these budgets and may eliminate specific items, reduce them, or raise their total amounts. Such changes are made after hearings attended by representatives of the agency concerned. The budgets are then incorporated into the executive budget which is submitted to the legislature by the governor with a budget message. The executive budget is prepared in such detail that it is possible for legislators to see the original requests of educational agencies and the budget committee's recommendations.

State: New Hampshire

Source of information unless otherwise stated: "New Hampshire Revised Statutes Annotated Relating to Public Schools 1955 Codification. Includes Session Laws of 1955, 1957, 1959, 1961", published by State Department of Education, Concord, 1961.

PART I

Educational Organization

State level:

Department of Education: called Department of Education

how organized: Sec. 186:1

established by: Sec. 186:1

is it a body corporate: no

State Board of Education: called State Board of Education

established by: Sec. 186:1

is it a body corporate: no

composition: 7 members, Sec. 186:1

how selected: appointed by governor and his Council, Sec. 186:2

is confirmation necessary: no

subject to what control: governor and council

to whom reporting: State Legislature, annually, Sec. 186:11-xx

term of office: 5 years, Sec. 186:2

meetings: at least 6 regular meetings and any special meetings called Sec. 186:4

Chief state school officer: called Commissioner of Education, Sec. 186:9

office established by: Sec. 186:9

how selected: appointed by State Bd. of Education, ibid.

is confirmation necessary: no

subject to what control: State Board of Education, ibid.

to whom reporting: not stated, but probably same

term of office: indefinite, Sec. 186:9

staff and who appoints: not named; nominated by Commissioner, appointed by Board of Education, Sec. 186:10; Deputy Commissioner appointed by Commissioner upon approval by State Bd.,Sec.186.9-a

Other organization or official: called Council for Teacher Education, Sec. 190.1, to coordinate teacher education, Sec. 190.3.

State: New Hampshire

PART I

Educational Organization (continued)

Intermediate level: (not State-wide)

Organizational unit: called Cooperative School Districts, Sec. 195:1

how organized: on suggestion of State Bd. of Education, Sec. 195:3

composition: 2 or more school districts voluntarily associated, Sec. 195:1, 195:3-4a
is it a body corporate: yes, Sec. 195:6

Board of education, if any: called Cooperative School Board

established by: Sec. 195:4

is it a body corporate: no

composition: moderator, board of education of 5, 7, 9, or 15 maximum, with at least 1 member from each component district, Sec. 195:4
how selected: election at special or regular general election in all component districts, Sec. 195:4 as amended 1961, 206:2
is confirmation necessary: no, except for approval of State Board of Education upon initial organization, Sec. 195:4a
subject to what control: not stated

to whom reporting: voters and State Board of Education

term of office: overlapping and varying, from 3 to 5 depending on number of members, Sec. 195:4
Administrative officer of unit; called moderator

office established by: Sec. 195:4

how selected: election, as above, Sec. 195:4

is confirmation necessary: same as above

subject to what control: same as above

to whom reporting: same as above

term of office: not stated

staff and who appoints: clerk and treasurer, appointed by Cooperative School Board, Sec. 195:5

State: **New Hampshire**

PART I

Educational Organization (continued)

Intermediate level: (not State-wide)

Organizational unit: called Supervisory Unions, Sec. 189:43

how organized: by action of St. Department of Education, Sec. 186:11-I (amended 1953, 243:1)

composition: combination of one or more school districts, Sec. 186:11

is it a body corporate: no

Board of education, if any: called None

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called Superintendent

office established by: Sec. 189:43

how selected: nominated by joint action of the school boards of constituent school districts, Sec. 189:43

is confirmation necessary: yes, by final appointment by State Board of Education. See"Rules & Regulations,"page 173.

subject to what control: State Bd. of Education; also constituent school boards, Sec. 189:43 (probably through Chairman, secretary and treasurer of joint school boards, appointed by them under same section.

to whom reporting: constituent school boards, Sec. 189:43 and to St. Bd. of Education. "Rules & Regulations", p. 173

term of office: not stated

staff and who appoints: teacher consultant, appointed by constituent school boards, Sec. 189:43

State: New Hampshire

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School District of Town of ____, Sec. 194:1

how organized:

composition: each town, except when organized under special act of legislature, Sec. 194:1

is it a body corporate: yes, Sec. 194:2

Board of education: called officers of school district

established by: Sec. 197:14

is it a body corporate: no, the "school district" is corporation

composition: moderator, clerk, school board of 3, treasurer, 1 or more auditors, and any others required by voters, Sec. 197:14

how selected: annual town election, Sec. 197:1a, 197:1d

is confirmation necessary: no provision

subject to what control: to moderator (Sec. 197:19) who has wide discretion (Leonard v. Sch. Dist of Cornish, 98NH296) and to State Board of Education, Sec. 189:15

to whom reporting: State Board of Education, Sec. 189:28.

term of office: 3 years for members of school board, in staggered terms; voting on 1/3 of board & all other officers annually, Sec. 197:18

Administrative officer of unit: called) moderator
) citations above
office established by:)
)
how selected:)
)
is confirmation necessary:)

subject to what control: voters and State Board of Education, supra.

to whom reporting: State Board of Education, supra.

term of office: 1 year, Sec. 197:18

staff and who appoints: supra.

State: **New Hampshire**

PART I

Educational Organization (continued)

Schools

Principals no special provision. See superintendent of supervisory unions, above.

appointed by:

qualifications:

term of office:

Teachers

appointed by: nominated by Supt. of Supervisory Union and elected by school board (Sec. 189:39). See also "Rules & Regulations" of St. Bd. of Educ., p. 173

qualifications: Sec. 186:25-26

certification: Sec. 186:25-26

tenure: not stated

special assignments: not stated

State: New Hampshire

Source of information unless otherwise stated: "New Hampshire Revised Statutes Annotated Relating to Public Schools 1955 Codification. Includes Session Laws of 1955, 1957, 1959, 1961", published by State Department of Education, Concord, 1961.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

State Level

The New Hampshire Revised Statutes Annotated Relating to Public Schools, 1961 edition, is succinct and to the point. It indicates clearly what powers have been granted and duties prescribed by the legislature. But in a few instances the division of powers and duties among officials at the State level can best be deduced on the basis of probable requirements of operational practice. This tends to emphasize, however, the concentration of power in the State Board of Education and its control of important activities at all levels through supervision of administrators.

The Department of Education is composed of the State Board of Education, a Commissioner of Education and such other officials and employees as may be authorized, Sec. 186.1. The Department therefore provides the machinery at the top level through which the State Board and the Commissioner work, just as in most other States. But the State Board in New Hampshire meets at least six times a year, Sec. 186.4 -- oftener than in some States -- and obviously plays a more important part in the use of the machinery provided for it.

Sec. 186.5 is significant on this point. It reads as follows:

> The state board shall have the same powers of management, supervision, and direction over all public schools in this state as the directors of a business corporation have over its business, except as otherwise limited by law. It may make all rules and regulations necessary for the management of its own business and for the conduct of its officers, employees, and agents, and to secure the efficient administration of the public schools and the administration of the work of Americanization, in teaching English to non-English-speaking adults and in furnishing instruction in the privileges, duties, and responsibilities of citizenship, which is hereby declared to be an essential part of public school education, It shall be the duty of school boards and employees of school districts to comply with the rules and regulations of the state board.

PART II - continued (2)

(Annotation: A city's appropriation for schools may not be less than the amount necessary to meet the minimum requirements of the State Board of Education. Franklin v. Hinds (1958) 101 N.H. 344, 143 A2d 111)

The State Board may also make regulations, under Sec. 186.6, necessary to enable the State to comply with any Federal law intended to promote vocational or other education...to equalize educational opportunities...and to provide an adequate supply of trained teachers.

Secs. 186:11-a through 11-e deal with the National Defense Education Act of 1958. The State Board is designated as the sole agency for administering the State program entitling the State to receive federal aid under that act; it is named custodian of any funds allotted to the State by the federal government; it is directed, through the Commissioner of Education, to formulate plans for specific programs, including one for the acquisition of audio-visual materials and equipment by school districts; and it is authorized to enter agreements with Federal agencies and to make its own regulations to effectuate this State statute and the Federal act.

Under Sec. 186.8, the State Board shall prescribe the qualifications and duties of its employees and of all superintendents, assistant superintendents and teachers in the public schools, the subjects recommended to be taught and the educational standards for all grades.

It shall employ "a skilled executive officer" as commissioner of education, who shall act as chief executive officer and secretary of the board, and the board may prescribe his duties except as specifically provided by law, Sec. 186.9. This officer appoints a deputy commissioner and assigns his duties, but the appointment is subject to the approval of the board. The board appoints all of "its other officers and employees" but upon nomination of the commissioner, Sec. 186.10. This is evidently the staff of the Department of Education and would include any official immediately concerned with audio-visual teaching aids.

A relevant statement, however, appearing in the 1958-1960 Report of the Board, "Public Education in New Hampshire", p. 44, is somewhat disappointing in this respect:

> Educational Television
>
> The Department of Education has found it impossible to assume the full leadership in Educational Television for the schools in New Hampshire. Budget and staff are necessary if this State is not to fall farther behind other states in using this powerful new force.
>
> Members of the Division of Instruction have given consultant service to assist with such in-school television programs as Primary Music, Science, Story of the Granite State, Careers and Art Education.

State: New Hampshire

PART II - continued (3)

Still, in commenting on benefits derived from NDEA, the Report stated, p. 49:

> 4. It has been possible for schools to strengthen both their regular libraries and their classroom reference collections through the purchase of a wide variety of books, reference materials, charts, maps, etc., dealing with mathematics, science, or modern foreign languages.
>
> 5. All types of instructional aids including projectors, tape recorders, television sets, and similar equipment have been obtained.

The duties of the board are set forth in Sec. 186.11. But inasmuch as this section states that they shall be discharged "through the commissioner of education acting as executive officer of the board", it must be inferred that in many situations described the board makes decisions and the commissioner carries them out in a purely ministerial way. Among other things, it shall:

I. Combine several school districts into supervisory unions

II. Supervise the expenditure of all moneys appropriated for public schools and inspect all institutions using such moneys

III. Prepare a budget for such expenditures

IV. Establish standard elementary schools in unorganized parts of the State

X. Hold public examinations for candidates for teachers in the public schools and issue certificates to those who pass

XI. Administer the school money through the local boards in all school districts in which any part of the money used to maintain standard elementary schools is provided by the State.

XIV. Lecture on educational subjects in as many cities and towns in the State as the time occupied by the Commissioner's other duties will permit. (This is a duty clearly for the Commissioner, not the Board, although it may have some decision in the matter.)

XX. Make a report to the legislature and file it with the secretary of state every even-numbered year, showing in detail the progress of all educational work and making recommendations

PART II - continued (4)

XXII. Appoint superintendents, and when necessary, assistant superintendents and teacher consultants, upon consultation with and nominations by local school boards, and if advisable remove such appointees

XXIII. Fix the State's share of the salary of such appointees according to a prescribed standard

XXV. Employ as many assistants of all grades as will enable it to perform its duties

XXVI. Confer with superintendents and teachers to promote mutual cooperation

XXVII. Prepare, publish and distribute school programs, outlines of work and courses of study

The duties to examine teachers and issue certificates are repeated in Secs. 186.25 and 186.26 and related provisions follow. Lists of approved candidates are kept in the office of the State Board. In Sec. 186.30 another provision enables "any person" to file with the State Board an application for appointment as teacher, together with evidence of qualifications and other information as requested whereupon the person's name is registered. Thereafter in response to inquiry concerning teachers so registered the State Board makes recommendations to the appropriate official, Sec. 186.31. This is probably a recruiting device and is different from procedures in many States where a formal certification is a requisite to employment as a teacher. The board, or its designate, is required to hold at least one teachers' institute each year in each county, Sec. 186.35.

The board, and through its authority the commissioner, have powers and duties connected with activities in school districts. Some of these may not seem to be particularly relevant to AV teaching aids, except as they reflect the extent of central control in spite of some local operational autonomy, and as they suggest areas in which lack of funds or the nature of procedures might affect the installation of new teaching aids.

For instance, under Sec. 194.23-d, a high school in a district or a cooperative union must be approved by the State board before it can qualify to receive any State aid above local tax returns. The board is required to formulate a set of minimum standards for proposed reorganization of school districts, Sec. 195.2, and makes a determination on the fulfillment of requirements, Sec. 195.4-d. The local boards have authority to buy textbooks and other supplies for use in the schools, Sec. 189.16, but even when operating funds are earmarked for particular purposes, according to source from which they are received, there can be a financial pinch in acquiring new equipment if some of those funds are withheld.

PART II - continued (5)

The State board also has veto power on plans for the construction of school buildings by a school district, Sec. 199.1, which on occasion could be relevant to the timely installation of new devices.

The policy of the State in extending aid to local districts is stated in Sec. 198.8, which reads as follows:

> It is hereby declared to be the policy of the state of New Hampshire to share in the costs of public elementary and high school education of the local school districts of the state to the end that: (1) the more needy school districts may be assisted in providing an adequate education program; (2) education throughout New Hampshire may be improved; and (3) assistance and incentives may be provided for the formation of cooperative school districts.

State aid comes principally in two forms: Foundation Aid and School Building Aid. Foundation aid is extended to meet operating costs not covered by resources available from "local effort", but may be reduced in proportion to any delinquency on the part of a local district in meeting its local quota, Sec. 198.10. This is an incentive provision but could operate harshly in some economic situations.

Secs. 198.15-a through 198.15-f relate to State aid supplementing local resources in school construction, with corresponding control by the State board over plans, specifications, and building costs.

Another form of aid appears in the payment by the State treasurer of the salary of all school superintendents and assistant superintendents, Sec. 189.30, but a school union may supplement such payments, Sec. 189.44. The joint board of a school union nominates the appointees, but the State Board employs them (see p. 173, op. cit., "Regulations of the State Board of Education").

Local Level - School Districts

All school districts legally organized are corporations, with power to sue and be sued, Sec. 194.2.

Among other powers specifically granted to them are the following (Sec. 194.3):

"raise money"

procure land for schoolhouses

build and repair schoolhouses

"provide suitable furniture, books, maps, charts, apparatus, and conveniences for schools"

PART II - continued (6)

The selectmen in each town make a regular annual assessment of $3.50 on every $1000 of value of the ratable estate taxable for school support, Sec. 198.1. But the school board of each district in its annual report states in detail any additional sums needed for support of the public schools, purchase of textbooks, scholars' supplies, and related requirements, Sec. 198.4. The selectmen thereupon make assessment to cover such additional requirements, Sec. 198.5.

The Municipal Finance Act, appearing as Chapter 33 in the Revised Statutes Annotated Relating to Public Schools, 1955 Codification, as amended, relates to issuance of bonds by a "municipality" or "municipal corporation", which includes a school district, and to action taken by a "governing board", which includes the school board of a school district, both by definition, Sec. 33.1. The act permits issuance of bonds by such corporations, within fixed debt limits, Sec. 33.4-a, for construction or improvements of a permanent nature, Sec. 33.3, upon the observance of various procedures prescribed. Inasmuch as the corporate identity of constituent districts in a supervisory union is not changed, this group evidently has no power to issue bonds. But when a cooperative school district is organized and component districts go out of existence, it becomes a body corporate, with specific authority to borrow money and to issue notes and bonds, Sec. 195.6.

The school board of every district is required to maintain standard schools, Sec. 189.1, under conditions established, to "see that the studies prescribed by the State are thoroughly taught", Sec. 189.10. They shall purchase "textbooks and other supplies required for use in the public schools", Sec. 189.16, make reports to the State Board, Sec. 189.28, and may, subject to supervision of the State Board, make regulations for the management, classification, and discipline of the schools, Sec. 189.15.

"Regulations of the State Board of Education", op. cit., p. 173, prescribe powers and duties of school board, some of which are as follows:

1. School boards shall determine the salary and terms of employment of all teachers, and elect them upon nomination by the superintendent [who is employed by the State Board].

2. Hire employees required for operation of schools, fix salary and duties

3. Authorize all purchases

5. Prepare school budgets

6. Meet at least bi-monthly and require attendance of superintendent

7. Exercise all powers and perform all duties provided by law or the State Board and not committed to Superintendent

8. Determine subjects of instruction upon recommendation of superintendent and pursuant to regulations of State Board

PART II - continued (7)

Very little is said in the statutes about specific powers and duties of the Commissioner of Education or about those of superintendents, all of whom are employed by the State, not locally. Sec. 189.33 provides that a superintendent must attend all conferences called by the State Board, also report to the proper officers all infractions of school laws and of regulations of the State Board.

The *Regulations*, *op. cit.*, pp. 173-174, list various powers and duties of superintendents of supervisory unions, who are nominated by the joint boards of constituent districts but appointed by the State Board, Sec. 186.11. These officials, within their respective jurisdictions

a. enforce rules of the school board, regulations of the State Board, and all pertinent school laws

b. direct and supervise work of teachers and other employees

c. nominate teachers for appointment

d. select and purchase textbooks and all other scholastic apparatus and supplies, in conformity with regulations of the school board and of the State Board, and distribute them

e. keep records and make reports

f. exercise disciplinary powers over teachers and other employees

On pages 146-152 of this compilation, *op. cit.*, there appears the enactment relating to the *New England Higher Education Compact*, Chapter 200-A (Inserted Laws 1955, 232), providing for cooperation among New Hampshire, Connecticut, Maine, Massachusetts, Rhode Island, and Vermont in promoting higher education. It suggests a useful procedure which might be followed in educational programs for elementary and secondary schools in those areas.

State: New Hampshire

Source of information unless otherwise stated: New Hampshire Revised Statutes Annotated Relating to Public Schools 1955 Codification. Includes Session Laws of 1955, 1957, 1959, 1961.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 186:11-d-I provides that the state board of education, through the commissioner of education actingas the executive officer of the board, shall formulate plans for: "Expenditure of funds paid to this state ~~thxsx~~ from its allotment under section 302(a) of title III of the federal act /National Defense Education Act of 1958/ solely for projects approved by the state board of education for acquisition by school districts, cities maintaining school departments and cooperative school districts of laboratory and other special equipment, including audio-visual materials and equipment ... suitable for use in providing education in science, mathematics or modern foreign languages in public elementary and/or secondary schools, and minor remodeling of laboratory or other space in such schools used for such ~~x~~ materials or equipment."

Sec. 189:24 states: "A standard school is one maintained for at least 180 days in each year, in a suitable and sanitary building, equipped with approved furniture, books, maps and other necessary appliances ...."

Sec. 194:3, in setting forth the powers of school districts, provides that such districts may raise moneyx to procure land for schoolhouse lots, build, purchase, rent, repair schoolhouses, etc., and "to provide suitable furniture, books, maps, charts, apparatus and conveniences for schools ..."

Sec. 572:42-b relates to libraries and specifies the penalty for one "who wilfully detains any book, newspaper, magazine,... recording, film or other property belonging to or in thecare of ~~xxx~~ any ... library."

State: New Hampshire

PART III - continued (2)

In Public Acts and Joint Resolutions of the Legislature of 1961, the following legislation appears on pp. 602-603:

CHAPTER 309

JOINT RESOLUTION RELATIVE TO THE OPERATING EXPENSES OF EDUCATIONAL TELEVISION STATION, WENH-TV, CHANNEL 11, DURHAM, NEW HAMPSHIRE

WHEREAS, WENH-TV is an educational television station operated and maintained to provide an educational service to the schools and educational institutions of the state and to the general public through a broad adult education and information program service, and

WHEREAS, since June 1959 WENH-TV has maintained an outstanding program service for the majority of the citizens and schools of the state with advice, counsel and partial support of the New Hampshire Educational Broadcasting Council, Inc., now, therefore

Be It Resolved by the Senate and House of Representatives in General Court convened:

The sum of twenty-five thousand dollars is hereby appropriated for the period from the date of the passage hereof to June 30, 1962 and a like sum for the fiscal year ending June 30, 1963 for the purpose of contributing to the operating expenses of educational television station WENH-TV channel 11, operated by the University of New Hampshire with the advice and counsel of the New Hampshire Educational Broadcasting Council, Inc., in strict conformance with the Federal Communications Commission rules and regulations on the discussion of public issues. In addition to the appropriation hereinbefore made there is hereby appropriated a sum not exceeding fifteen thousand dollars for the fiscal year ending June 30, 1962 and a like sum for the fiscal year ending June 30, 1963 which sum shall be available or any part thereof for the same purposes, provided there is raised and appropriated by school districts in the state sums for the operating expenses of said educational television on an equal matching basis. The sums hereby appropriated by the state and the sums appropriated by school districts shall be expended for the operation of said television station through the New Hampshire College of Agriculture and the Mechanic Arts and the University of New Hampshire. Any balance of the state appropriation made for the year ending June 30, 1962 may be expended in the following fiscal year provided that this shall not apply to the appropriation which is to be matched by school district funds. The governor is authorized to draw his warrants for the sums hereby appropriated by the state out of any money in the treasury not otherwise appropriated. [Approved July 6, 1961.]

State: **New Hampshire**

Source of information unless otherwise stated: **New Hampshire Revised Statutes Annotated Relating to Public Schools 1955 Codification. Includes Session Laws of 1955, 1957, 1961.**

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids
Sec. 186:11, subjections XXVI and XXVII.

Yes 3. Preparing curricula

Secs. 186:8, 189:10, and 189:11.

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Sec. 186:11, XXIV. Also, authorities cited under 2, above.

~~**Yes**~~ 5. Organizing AV units and cooperative activities

Same as 2, above.

No 6. Conferring on AV use outside of State educational structure

State: New Hampshire

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

Sec. 189:16 and "Regulations of the State Board of Education," p. 174.

Yes 8. Selecting textbooks (and observing academic freedom)

Same as 7, above.

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

Secs. 189:16, 194:2, and 194:3.

Yes 10. Financing acquisition by rent or purchase

Secs. 194:3, 198:4, 198:1, 189:5, 32:5, 32:8, 32:10, and 33:3.

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Secs. 186:5 and 186:11.

Yes 12. Distributing AV aids

Sec. 194:3. Also, references under 7 and 8, above.

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

Secs., 186:11,X, 186:25, 186:26, 186:27, 190:1, and 190:3.

Yes 15. Prescribing qualifications of using personnel

Sec. 186:8.

State: **New Hampshire**

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Secs. 186:8, 189:24, 189:25, 194:23, 194:23-a, and 194:23-b.

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 194:2 and 194:3.

Yes 18. Federal aid to schools

Secs. 186:7, 186:11-b, 186:11-d-I, and 189:15-g.

Yes 19. State aid to schools

Secs. 198:8, 198:9, and 198:10.

No 20. Private aid to schools

Yes 21. Library programs

Secs. ~~1~~ 572:42-a and 572:42-b.

Yes 22. Research programs

Same as 2 and 5, above.

Yes 23. Institutes

Secs. 186:22, 186:36, and 189:41.

No 24. Other established procedures

STATE: New Hampshire

PART IV

Topics 2 and 5:

Sec. 186:11 provides that the state board, through the commissioner of education acting as the executive officer of the board, shall "XXVII ... Prepare, publish and distribute such school programs, outlines of work and courses of study as will best promote the educational interests of the state." In subsection XXVI of the same section the state board, through the commissioner of education, is to hold conferences from time to time with superintendents and teachers, or their representatives, for the purpose of "inspiring mutual co-operation in the carrying on of their work and of unifying educational aims and practices." Both provisions imply planning and organizing functions.

Topic 3:

Sec. 186:8 - State board prescribes "the subjects recommended to be taught."

Sec. 189:10 - The school board (of every district) is to see that the studies prescribed by the state board are thoroughly taught. Regular instruction in the Constitution and Declaration of Independence is to be given.

Sec. 189:11 - "Such instruction in the constitutions of the United States and this state shall begin not later than the opening of the eighth grade and shall continue in the high school course to an extent to be determined by the state board."

Topic 4:

Sec. 186:11, XXIV provides that the Teacher Consultant (employed by state board, subsection XXII) is to give helpful advice, counsel and assistance to teachers, pupils and parents, and in general is to act as consultant to the entire staff and community in the recognition of educational needs. Authority appears sufficiently broad to cover this function.

Also, see authorities cited under Topics 2 and 5, above.

STATE: New Hampshire

PART IV (Cont'd.)

Topics 7 and8:

Sec. 189:16 - School board (local) is to "purchase, at the expense of the city ortown in which the district is situated, textbooks and other supplies required for use in the public schools..."

Also, see "Regulations of the State Board of Education," p. 173. Under the topic "Powers and Duties of Superintendents," on p. 174, is it stated, "5. He shall select and purchase textbooks and all other scholastic apparatus and supplies in accordance with the regulations of the school board and the State Board and see that the same are suitably distributed to the schools, accurately accounted for and economically used."

Topic 9:

Sec. 189:16, referred to above, provides in full: "They /school boards/ shall purchase, at the expense ofthe city or town in which the district is situated, textbooks and other supplies required for use in the public schools; andshall loan the same to the pupils ofsuch schools free of charge, subject to such regulations for their care and custody as the board may prescribe; and shall sell such books at cost to pupils of the school wishing to purchase them for their own use."

An Annotation following this sectipn refers to 7 ALR 793; 52 ALR 254 on the topic, "Power ofschool district to provide maps and charts."

Sec. 194:2 - All districts legally organized areto be corporations, with power to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts in relation thereto.

Sec. 194:3 - "School dstricts may raise money, as required by law, er, in addition thereto, ... "to provide suitable furniture, books, maps, charts, apparatus and conveniences for schools ...."

Topic 10:

Sec. 194:3 - referred to above.

Sec. 198:4 - School board ofeach district in its annual report is to state in detail the additional sums, if any, need for the ensuing fiscal year for the support of the public schools, for the purchase oftextbooks, scholars' supplies, etc..

Sec. 198:1 - The selectmen in each town shall assess an annual tax of three dollars and fifty cents on each thousand dollars of the value of the ratable estate taxable therein for the support of the public schools.

STATE: New Hampshire

PART IV (Cont'd.)

Sec. 198.5 - Alterations to assessment authorized to meet obligations outlined in Sec. 198:4 above.

Sec. 32:5 - Budget committee to prepare budgets for town expenditures, village district expenditures, andschool expenditures and tohold at least one public hearing on each budget.

Sec. 32:8 -Amount appropriated at any annual meeting in any town not to exceed by more than ten per cent total amount specified in the budget. However, budget committee may submit items for voters to consider. Money may be raised and appropriated for such items but not toan amount which would increase the total appropriations by more than ten percent.

Sec. 32:10 - Unexpended balances may be transferred from one appropriation to another.

Sec. 33:3 - A municipality or county may issue bonds or notes for "the acquisition of land, for the construction, reconstruction, alteration and enlargement or purchase of a public buildings, for other public works or improvements of a permanent nature, for the purchase of departmental equipment of a lasting character..."

(Sections numbered "32" above are from Municipal Budget Law, "33", from Municipal Finance Act, pages 112 through 125 of this compilation.)

Topic 11:

Sec. 186:5 - State board is to make all rules and regulations necessary for management of the public schools and for the conduct of its officers, employees and agents.

Sec. 186:11 - State board, through the commissioner of education acting as its executive officer is to: XX."Make a report to the legislature ... showing in detail the conditions and progress of all educational work..."

Topic 12:

Section 194:3 - School districts are "to provide suitable furniture, books, maps, charts, apparatusand conveniences for schools ..."

(Also, see references under Topics 7 and 8, above.)

Topic 14:

Sec. 186:11, X - State board, through the commissioner of education acting as its executive officer, shall hold public examinations for condidates for teachers in the public schoolsand issue certificates to those who pass.

Sec. 186:25 - State board to designate places and times of such examinations.

STATE: New Hampshire

PART IV (Cont'd.)

Sec. 186:26 - Certificate of qualification to be given to condidates who pass.

Sec. 186:27 - State board may issue, without examination, certificate under special circumstances (three years' service and when in the board's judgment educational interests of the state will be served by such action).

Sec. 190:1 - Establishes an advisory and coordinating council for teacher education.

Sec. 190:3 - Council for teacher education is to coordinate teacher education in the state in an advisory capacity through a continuing study and discussion of its problems and to issue advisory reports to agencies concerned with teacher education.

Topic 15:

Sec. 186:8 - State board is to prescribe qualifications and duties of all superintendents and assistant superintendents and teachers and the "qualifications of its employees."

Topic 16:

Sec. 186:8 - State board is to prescribe ~~qualifications~~ "educational standards for all grades of the public schools."

Sec. 189:24 states, in full: "A standard school is one maintained for at least 180 days in each year, in a suitable and sanitary building, equipped with approved furniture, books, maps and other necessary appliances., taught by an approved teacher, directed and supervised by an approved superintendent, with suitable provision for the care ofthe health andphysical welfare ofall pupils."

Sec. 189:25 states, in full: "An elementary school is any school in which the subjects taught are those prescribed by the state board for the first eight grades ofthe public schools. It shall present a program of eight years, exclusive ofthe kindergarten, and the upper grades may be organized as a junior high school and approved by the state board."

Sec. 194:23 - Defines "high school" as school offeringcourse of studies ~~of~~ for four years in subjectsgenerally required for admission to colleges and other subjects required by the school board for that district. "Such school shall also comply with standards prescribed by the state board ofeducation which shall be uniform in their application to all schools, with respect to teaching the offered course of studies and to facilities and equipment used and maintained to offer such course of studies."

Sec. 194:23-a - Defines "comprehensive high school." (Similar to "high school.")

Sec. 194:23-b - State board of education is to publish annually a list of all high schools and comprehensive high schools which it has approved as meeting the requirements of section 23 or 23-a.

STATE: New Hampshire

PART IV (Cont'd.)

Topic 17:

Sec. 194:2 - All school districts legally organized are corporations, with power to sue and be sued, to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts in relation thereto.

Sec. 194:3 - School districts may raise money "to procure land for schoolhouse lots and for the enlargement of existing lots; to build, purchase, rent, repair or remove schoolhouses and outbuildings, and buildings to be used for occupancy by teachers in the employ ofsuch school district;... to provide suitable furniture, books, maps, charts, apparatus and conveniences for schools ..."

Topic 18:

Sec. 186:7 - State treasurer designated to be custodian of any money that may be allotted to the state by the federal government for general educational purposes.

Sec. 186:11-b - State board of education is designated as sole agency for administration ofprograms for which the state may receive federal aid(under National Defense Education Act).

Sec. 186:11-d-I - (See Part III, above.)

Sec. 189:15-g - State board of education designated the agency of New Hampshire for receipt and distribution of federal funds in aid of school building construction.

Topic19:

Sec. 198:8 - It is declared to be policy of state of New Hampshire to share in costs of public elementary and high school education of the local school districts of the state so that (1) the more needy school districts may be assisted in providing an adequate education program; (2) education throughout the state may be ~~appr~~ improved; and(3) assistance and incentives may be provided for formation of cooperative school districts.

Sec. 198:9 - State board of education to pay annually to needy school districts from funds appropriated by the general court.

Sec. 198:10- Foundation aid program. Each school district to receive annually an amount equal to the remaining costs of the required programs over and above the proceeds of a tax of fourteen dollars per thousand dollars of equalized ~~taxati~~ valuation of each district. Cost of the "required programs" to be two hundred dollars annually for elementary school pupil and three hundred dollars for high school pupil.

STATE: New Hampshire

PART IV (Cont'd.)

Topic 21:

Secs. 572:42-a and 572:42-b refer to offense against libraries and penalties for detaining books and are the only library references found in this compilation. Presumably, complete library laws are in other sections of Chapter 572, not listed here.

Topic 22:

See reference under Topics 2 and 5, above.

Topic 23:

Sec. 186:22 - Presidents and teachers of teachers colleges are to assist and give instruction at teachers' institutes when so required by the state board.

Sec. 186:36 - Refers to "permanent institute fund." State treasurer is to invest proceeds of sale ofstate lands (under authority of a joint resolution of 1867) and annual income is set apart for support of teachers' institutes.

Sec. 189:41 - Teachers may attend institutes, not exceeding one day each term.

NEW JERSEY (1959-60)

Enrollment in full-time public schools:	
Elementary	796,462
High School	254,617
Number of school districts (including non-operating)	588
Number of elementary schools	1,646
Number of high schools (including junior high)	329
Expenditure per pupil in average daily attendance	$488

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

NEW JERSEY

County, Regional, and Independent School Superintendencies

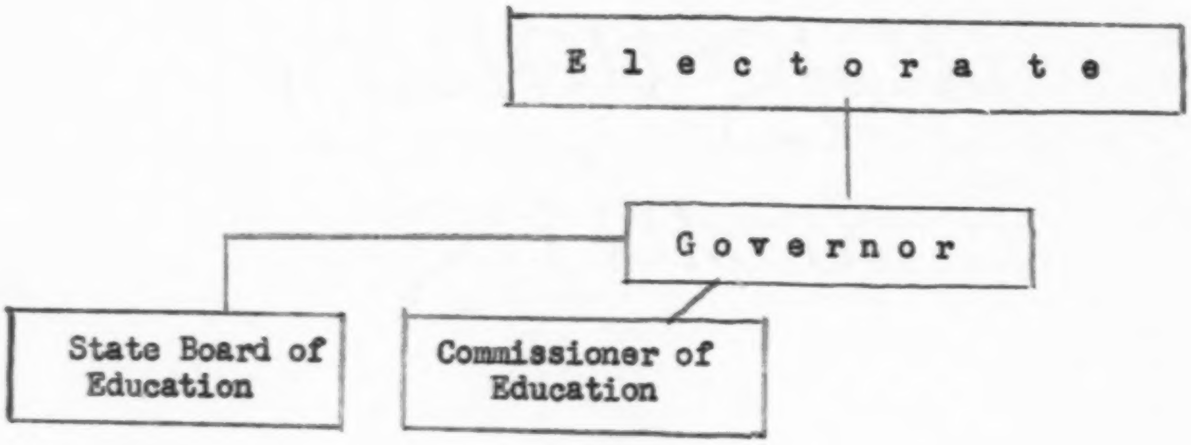
There are 337 school superintendencies in the State: 21 county-intermediate, 31 regional high school, and 285 independent city or town superintendencies. The superintendents of the 21 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its school independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 132.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 106-108.

NEW JERSEY

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools.....

State Board of Education.--Consists of 12 members appointed by the governor, by and with the advice and consent of the senate, for overlapping 6-year terms. At least 3 of the members must be women, and all members must be citizens who have resided within the State for not less than 5 years immediately preceding their appointment. No more than 1 member is to be appointed from among the residents of any 1 county.

3. Chief State School Officer

The commissioner of education is appointed by the governor, by and with the advice and consent of the senate, for a term of 5 years. The commissioner of education is selected without regard to residence in the State of New Jersey. He serves as the chief executive and administrative officer of the State department of education and is the official agent of the State board of education for all purposes. He is the board's budget officer, and unless some other official is designated by the State board of education, he is the board's fiscal officer also.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the coordination of the State program of public elementary, secondary, and higher education....

9. Fiscal Coordination

Two State educational agencies submit budgets to the director of budget and accounting. They are the State board of education.... The State board of education is responsible for submitting all budget requests of the State department of education.

The director of budget and accounting is appointed by the governor, with the advice and consent of the senate, for a term concurrent with the governor's term. The director assists the governor in the preparation of his budget. The budget requests submitted to the director are used as a basis for action. He may make changes in such requests in his recommendations to the governor and may hold public hearings when necessary.

The budget requests of educational agencies are incorporated into the governor's budget after meeting with his approval. The governor submits his budget to the legislature with his budget message.

The educational agencies do not publish their proposed budgets nor are they published except as they appear in the governor's budget message to the legislature.

State: New Jersey

Source of information unless otherwise stated: New Jersey Statutes Annotated, Title 18, Education, St. Paul, Minnesota: West Publishing Company, 1940, with 1961 Pocket Part

PART I

Educational Organization

State level:

Department of Education: called State Department of Education

how organized: consisting of St. Bd. of Educ., Commissioner of Education and subordinate divisions, bureaus, branches, committees, etc.

established by: NJSA 18:2-1 (L. 1953 ch. 154, sec. 1)

is it a body corporate: no - part of the Exec. Branch of government, *ibid*.

State Board of Education: called State Board of Education

established by: NJSA 18: 2-1

is it a body corporate: no, *ibid*.

composition: 12 members (including at least 3 women) appointed from different counties

how selected: appointed by Governor, *ibid*.

is confirmation necessary: yes; State Senate, *ibid*.

subject to what control: --

to whom reporting: --

term of office: 6 years, staggered, *ibid*.

Chief state school officer: called Commissioner of Education

office established by: NJSA 18: 3-1

how selected: appointed by Governor, *ibid*.

is confirmation necessary: yes, by Senate, *ibid*.

subject to what control: Governor

to whom reporting: Governor

term of office: 5 years, ibid.

staff and who appoints: 5 assistant commissioners and other employees, appointed by Commissioner with consent of State Board, NJSA 18: 3-2

Other organization or official: called Inspector of bldgs., inspector of accts., NJSA 18: 3-3.

State: New Jersey

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called none

how organized:

composition:

is it a body corporate:

Board of education, if any: called none

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called County Supt.

office established by: Sec. 18:4-1

how selected: appointed by commissioner with advice & consent of State board, *ibid*.

is confirmation necessary: State board

subject to what control: --

to whom reporting: Commissioner of Education, Sec. 18:4-8

term of office: 3 years, Sec. 18:4-1

staff and who appoints: clerical assistants appointed by county superintendent, Sec. 18:4-6

State: New Jersey

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called municipal district Ch. 6

how organized: follows political subdivision or combination of them.

composition: --

is it a body corporate: no

Board of education: called Board of Education

established by: NJSA 18: 6-5

is it a body corporate: yes, 18: 6-21

composition: (a) 5 members, in general
(b) 9 members in cities of 1st class or districts of 45,000 voting to have 9 members

how selected: apptd. by major or other chief exec. officer NJSA 18: 6-4

is confirmation necessary: no

subject to what control: --

to whom reporting: Commissioner of Education NJSA 18: 6-39

term of office: (a) 5 years staggered
(b) 3 years, staggered in groups of 3, NJSA 18:6--6

Administrative officer of unit: called Supt.

office established by: NJSA 18:6-37, but appointment is optional

how selected: appointed by board, majority vote, ibid.

is confirmation necessary: no

subject to what control: board, ibid., and NJSA 18:6-38

to whom reporting: Commissioner of Education, NJSA 18: 6-39

term of office: not more than 5 years, NJSA 18: 6-37

staff and who appoints: Asst. supt. on recommendation of supt. appointed by board, NJSA 18: 6-40 and staff

Business manager: May be appointed by bd. on conditions determined by bd., with right to attend meetings but not vote, NJSA 18: 6-45

Board of School Estimate: 5 members, 2 apptd. by Bd. from its membership and 2 by municipality, and ex officio the mayor NJSA 18:6-48

State: New Jersey

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called municipal district, ch. 7

how organized: follows political subdivision or combination of them

composition: --

is it a body corporate: no

Board of education: called Board of Education

established by: NJSA 18: 7-4

is it a body corporate: yes, NJSA 18:7-54

composition: 9 members, NJSA 18: 7-4, unless reduced in number to 7 or 5, NJSA 18: 7-7, or to 3, NJSA 18: 7-8

how selected: popular election NJSA 18: 7-14, unless voters determine that mayor shall appoint NJSA 18: 7-52.1

is confirmation necessary: no

subject to what control: voters

to whom reporting:

term of office: 3 years, NJSA 18: 7-4, 18: 7-7, 18: 7-8

Administrative officer of unit: called superintendent

office established by: NJSA 18: 7-70

how selected: majority vote of board, and under rules and regulations of State Bd., ibid.

is confirmation necessary: no

subject to what control: board (seat on bd. but no right to vote) ibid.

to whom reporting: board, ibid., and to St. Commissioner, NJSA 18: 7-70.4

term of office: not to exceed 5 years, ibid.

staff and who appoints: Asst. superintendents as determined and appointed by board 18: 7-70.3

(Regional Boards of Education operate in same way as Chapter 7 Boards and are bodies corporate, NJSA 18: 8-9.)

State: New Jersey

Source of information unless otherwise stated: New Jersey Statutes Annotated, Title 18, Education, St. Paul, Minn.: West Publishing Co., 1940, with 1961 Pocket Part.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

The school laws of New Jersey are incorporated in the New Jersey Statutes Annotated under Title 18, Education. This was published under a 1940 copyright by West Publishing Company of St. Paul, Minnesota, and has been kept up-to-date with cumulative annual pocket parts. The 1961 edition of the pocket part, for use during 1962, contains references to all laws approved up to October 26, 1961, and has been referred to along with the basic volume in this study.

The legislation in this title is very well arranged -- much better than similar collections in most States. A separate, numbered chapter is devoted to each class in the heirarchy of officials and organizations and to principal institutional and subject classes. Each chapter is broken down into sections, of course, so that citations to the New Jersey Statutes Annotated can be conveniently identified by the title number 18 (Education), the chapter and the section within the chapter of that title, e.g. NJSA 18: 7-5.

State Level - State Department of Education

Under NJSA 18: 2-1 there is established in the executive branch of the State government a principal department known as the State department of education. It consists of a State board of education, a commissioner of education and such divisions, bureaus, branches, committees, officers and employees as are referred to in Title 18 or as constituted or employed by virtue of authority of that Title or of any other law. The power of the department, therefore, is a composite of that of component officials and organizations.

State Level - State Board of Education

Under the same authority as that cited above, the State board of education is established. It consists of twelve members, at least three of whom must be women, all of whom must be citizens resident within the State for at least five years, and no two of whom shall be appointed from any one county. Members are appointed by the Governor, by and with the

State: New Jersey

PART II - continued (2)

advice and consent of the senate, for terms of six years, with staggered tenure. The concluding part of this provision reads in part as follows:

> "The general supervision and control of public instruction in this State and of the State Department of Education shall be vested in the State Board. The State Board shall be charged with the duty of planning and recommending respecting the unified, continuous and efficient development of public education including public higher education."

NJSA 18: 2-4, entitled Powers and Duties of State Board in General, provides that the State board may do certain things, some of which are as follows:

a. Make by-laws for its own government and elect its officers

b. Prescribe and enforce rules and regulations necessary to carry school laws into effect

c. Prescribe rules and regulations for holding teachers' institutes and teachers' meetings called by the commissioner

d. Decide appeals from decisions of the commissioner

e. Make and enforce rules and regulations for granting appropriate certificates or licenses to teach or to administer, direct, or supervise, the teaching, instruction or educational guidance of pupils in public schools operated by boards of education

In addition to other powers granted, the board shall:

f. Prescribe and enforce and uniform system of bookkeeping for all school districts

g. Appoint upon application a superintendent of schools in two or more districts whenever in its opinion this is advisable

h. Prescribe and enforce rules and regulations for the approval of secondary schools, and withhold or withdraw such approval whenever the academic work, location or enrollment and per capita cost of maintaining such schools shall not warrant establishment or continuance

l. Advance the education of people of all ages

m. Establish standards of higher education

q. Survey the needs for higher education and the facilities available therefor and recommend to the legislature procedures and facilities to meet such needs

State: New Jersey

PART II - continued (3)

u. Exercise all other powers requisite to the performance of its duties

Some other powers and duties are not particularly relevant here, but all are coordinated under a broad general plan.

State Level - State Commissioner of Education

Under authority of NJSA 18: 3-1, a commissioner of education is appointed by the Governor, by and with the advice and consent of the senate, for a term of five years.

NJSA 18: 3-2 directs the commissioner, subject to the approval of the State board, to appoint not to exceed six assistant commissioners of education, assign their duties, including six specific duties mentioned in this provision, and designate one of them to act in his place during his absence. The annual report, 1959-60, of the State board of education and the commissioner of education to the State legislature, contains a chart showing division and bureau heads in the central office of the department of education as of June 30, 1960. This shows six assistant commissioners, in addition to a deputy commissioner (for the appointment of whom no legal authority has been found, incidentally), In the division of curriculum and instruction, in charge of an assistant commissioner, there is an office of audio-visual education, in charge of a coordinator.

Other sections direct the commissioner, subject to approval by the State board, to appoint and fix compensation of directors, inspectors and various assistants performing services specified, and authorize him as head of the department to employ clerks under the civil service system.

NJSA 18: 3-7 states that the commissioner shall be secretary of the State board, shall enforce all rules and regulations prescribed by it and "shall have supervision of all schools of the State receiving any part of the State appropriation". This broad authority was qualified by the legislature, however, in NJSA 18:3-7.1, which reads in part as follows:

> "....Notwithstanding any provisions of law to the contrary, any powers, duties, or functions heretofore conferred or imposed upon the commissioner to determine policies and to make regulations shall hereafter be exercised subject to the approval of the State board, and the duty and power to execute such policies and to administer such regulations shall be conferred and imposed upon the commissioner..." (emphasis supplied)

PART II - continued (4)

An annotation under this provision states that neither the commissioner of education nor the State board of education has authority to exercise originally the discretionary power vested in a local school board to discontinue a public school. Boult v. Board of Education of City of Passaic, 136 N.J.L. 521, 57 A.2d 12.

Under N.J.S.A. 18: 3-7.2, the commissioner has general charge and supervision of the work of the department of education, is the budget officer, the fiscal officer (unless someone else is designated as fiscal officer by the State board), and is "the official agent of the State board for all purposes".

He makes a full annual report to the State board on the condition of the public schools and such monthly reports as the board may require, NJSA 18: 3-11; he administers oaths to witnesses in any matter pertaining to the schools, NJSA 18: 3-12, and conducts hearings on controversies arising under school laws and makes a decision thereon, subject to appeal to the State board, NJSA 18: 3-14.

NJSA 18: 3-16 directs the commissioner, with the advice and consent of the State board, to ascertain the thoroughness and efficiency of any or all public schools by such means, tests and examinations as seem proper to him, whenever he or the State board deems it advisable. Several provisions describe procedures for holding examinations and reporting results to the State board, but the section ends with the significant provision that "nothing contained in this section shall impair the right of each district to prescribe its own rules for promotion". While this last provision may have been enacted by practical politicians in order to mollify advocates of local determination in school matters, it seems on its face to impose some restriction on officials at the State level in spite of pressures which can be exerted through economic and accreditation decisions.

NJSA 18: 3-17 appears in the 1961 Pocket Part in two versions, very similar to each other both enacted during the same session and effective only six days apart. The earlier one is permissive, while the later one is directive and was made effective six days before the earlier enactment. There is no substantial conflict between them although the second enactment contains an additional provision. It directs that the commissioner with the advice and consent of the State board shall (a) prescribe a minimum course of study for the public schools and require boards of education to submit to him for approval or disapproval courses adopted by them, (b) prescribe methods for discovering subnormal children in the schools, and (c) from time to time prepare, publish and distribute handbooks, material or circulars for the guidance of teachers in the public schools.

The commissioner, by and with the advice and consent of the State board, appoints a county superintendent of schools for each county, NJSA 18: 4-1; he instructs both county and city superintendents as to their duties in the best manner of conducting schools and constructing and furnishing schoolhouses, NJSA 18:3-19; and, with the advice and consent of the State board, holds meetings of both county and city superintendents at least once a year for discussing school affairs and promotion of an efficient system of education, NJSA 18: 3-20. These three provisions are directory.

NJSA 18: 3-21 authorizes the commissioner to accept and administer grants,devises or donations of various kinds for the benefit of the department or of any schools or institutions controlled by it, subject to approval by the governor and the State board of education. NJSA 18: 3-22 provides for hearings on the question of accepting such donations, etc. if requested by any municipality affected.

Intermediate Level - County Superintendents of Schools

The county superintendent, one of whom is appointed for each county by the State commissioner by and with the advice and consent of the State board (NJSA 18: 4-1), is a true representative of the official at the intermediate level. He has an office at the county seat provided by the board of chosen freeholders (governing body) of each county, and maintains all records there, NJSA 18: 4-5. While his own salary is paid by the State apparently (NJSA 18: 4-2), clerical assistants, who are selected and appointed by him, are paid from appropriations made by the board of chosen freeholders of the county, NJSA 18: 4-6. He reports annually to the commissioner, NJSA 18: 4-8, and receives reports prescribed by the commissioner from the superintendents, district clerks, and custodians of school moneys of the several districts, NJSA 18: 4-9. He has general supervision over the public schools of his county, NJSA 18: 4-7, but not over schools for which a separate superintendent has been appointed by a city of the first class, as described in Chapter 6 and referred to hereinafter, NJSA 18: 4-10. There is no board of education on the same level with him, such as a county board, and for this reason he can act as the local representative of the State commissioner without any restrictions except those imposed by law or by the State board or the State commissioner himself. Regional boards of education, referred to below, are for practical purposes at the operating level -- not at the same level with the county superintendent.

NJSA 18: 4-7, last amended in 1953, describes his powers in general and states that he may:

Administer, without charge, oaths to teachers and school officers

Issue orders on the county treasurer in favor of the custodian of school moneys for that portion of tax revenue or State appropriations to which each school district is entitled

Exercise general supervision over the public schools of his county in accordance with the rules and regulations prescribed by the State board

Visit and examine all the schools under his care

Inquire into the management, methods of instruction, and discipline in such schools

Note the condition of the schoolhouses, sites, buildings and appurtenances

Examine the courses of study, textbooks and school libraries

Advise with and counsel boards of education in relation to their duties, with particular reference to the construction, heating, ventilation and lighting of schoolhouses

Recommend to boards of education and teachers proper studies, methods, discipline and management for schools

Appoint members of the board of education for new districts under certain circumstances

Local Level - Local School Districts, General

Local school districts follow the political subdivisions in the State to a certain extent but they vary in character. No municipal corporation, however, has any control over school moneys, NJSA 18:5-57.

Chapter 5 deals with school districts in general, but Chapters 6, 7 and 8, which will be referred to below, deal with different specific types.

NJSA 18:5-1 states that each township, city, incorporated town and borough shall be a separate school district except as provided in case a municipality is divided, but each incorporated village shall remain and be a part of the school district in which it is situated at the time of its incorporation. When a municipality is divided, the school district remains the same, NJSA 18:5-2, until an election is held to create separate districts, NJSA 18:5-3, whereupon the county superintendent divides assets and liabilities between the two new districts, NJSA 18:5-8.

Two or more established districts may be consolidated into one under a procedure requiring the respective boards of education to petition the county superintendent to that effect and a vote on the question by the qualified voters of the respective districts, NJSA 18:5-14. After consolidation a new board of education is organized from the old boards, selected representatives of which are included in the new board, and the new board becomes a body corporate, NJSA 18:5-15, 5-16, and 5-17.

The meetings of every board of education in the State shall be public, NJSA 18:5-47, and in each school district there shall be a custodian of school moneys, who shall receive and hold in trust all school moneys belonging to the district from whatever source received, NJSA 18:5-52.

This chapter also has provisions concerning limitations on bond issues, NJSA 18:5-84, and provision for a vote by qualified voters of a district to issue bonds in excess of the limitations stated, NJSA 18:5-85.

PART II - continued (8)

Various other provisions appear in this chapter referring to adjustments of assets and liabilities when districts are changed, and adjustments concerning bond issues.

Local Level - Chapter 6, School Districts

There are two basic kinds of school districts. One is for cities, townships, incorporated towns or boroughs, NJSA 18:6-2, which by submitting the question to their qualified voters have determined to operate under the laws of Chapter 6, NJSA 18:6-3. The other is for cities, townships, incorporated towns, towns, or boroughs, NJSA 18:7-2, which have determined by vote of their qualified voters to operate under provisions of Chapter 7, NJSA 18:7-3. Both chapters contain provisions for changing from one type to the other by affirmative vote of the qualified voters.

The principal difference between these two types appears to be in the manner of selecting the local board of education, in the formalities of preparing a school budget and assessing taxes to meet it, and in the degree of supervision by the county superintendent. Actually, however, Chapter 6 is probably used more widely by populous cities and other municipalities for which its particular set of laws seems to be more appropriate, and Chapter 7 is probably used more widely for smaller cities and other communities for which its set of laws, reminiscent of older procedures still found in use in New England, may have greater appeal.

In Chapter 6 districts the board of education is appointed by the mayor or other chief executive officer, NJSA 18:6-4, and varies in number from 5 to 9 members, as determined by the legal voters, NJSA 18:6-5. Terms of office vary from 5 to 3 years, depending upon the size of the board, NJSA 18:6--6.

Each board is a body corporate, NJSA 18:6-21, with power to sue and be sued and exercise other corporate powers, NJSA 18:6-23, and has title to all of the school property of the district, NJSA 18:6-16.

"The board shall do all acts and things necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district," NJSA 18:6-17, and "shall have the supervision, control, and management of the public schools and public school property in its districts, and shall keep such property insured", NJSA 18:6-18. It shall make rules and regulations for its own government, for the transaction of business, and for the government and management of the public schools and the public school property in its district and also for the employment and discharge of principals and teachers, NJSA 18:6-19, but no principal or teacher shall be appointed, transferred or dismissed nor the amount of his salary fixed, no school term shall be determined and no course of study shall be adopted or altered nor textbooks selected, except by a majority vote of the whole number of the members of the board, NJSA 18:6-20. Under NJSA 18:6-27, the board shall appoint a secretary and may appoint a superintendent of schools, a business manager, and other officers, agents and employees as needed, and may fix their compensation and terms of employment. If a business manager is appointed he shall have a seat on the board and the right to speak on matters relating to his department, but not a right to vote, NJSA 18:6-45. His duties as described in NJSA 18:6-47, relate to construction, repairs, bids, contracts and inspection of materials or supplies furnished under contract. He may place an order for repairs up to a value of $100 and the committee of the board may place a similar order up to a value of $500 without a previous order of the board of education and without advertisement.

In Chapter 6, School Districts, there is a board of school estimate composed of two members appointed by the board of education, two members appointed by the governing body of the municipality and ex officio the mayor or other chief executive officer, NJSA 18:6-48. Each year this body receives from the board of education a detailed statement of requirements for the schools anticipated resources, NJSA 18:6-49, holds a public hearing on the proposed budget, determines the amount of money necessary to be appropriated for the public schools and thereupon makes two certificates of the amount so determined, one for delivery to the board of education and the other for delivery to the governing body of the municipality, NJSA 18:6-50. Thereafter the municipal governing body levies a tax to meet the budget, NJSA 18:6-51, within the limitations of rates prescribed, NJSA 18:6-54. In like manner the governing body may issue bonds for school buildings, etc., NJSA 18:6-61, within limitations prescribed, NJSA 18:6-63.

The general powers and duties of the superintendent of schools are set forth in NJSA 18:6-38 as follows:

> "The superintendent of schools shall, when required by the board of education of the district, devote himself exclusively to the duties of his office. He shall have general supervision over the schools of the district, under rules and regulations prescribed by the State board, and shall examine into their condition and progress and report thereon from time to time as directed by the board of education. He shall have such other powers and perform such other duties as may be prescribed by the board of education. He may appoint and, subject to the provisions of Section 18:6-27 of this Title, may remove clerks in his office, but the number and salaries of such clerks shall be determined by the board."

Under NJSA 18:6-39 he is required to render an annual report to the State commissioner of education on matters relating to schools under his supervision as may be required by the commissioner. Unless he is a superintendent "appointed in any city school district" over which the county superintendent has no control, NJSA 18:4-10, he is also required to report to the county superintendent, NJSA 18:4-9.

Local Level - Chapter 7, School Districts

The board of education in a school district which has voted affirmatively to apply Chapter 7 to the government and operation of its schools, is elected to office, NJSA 18:7-14. The number of members is nine, pursuant to NJSA 18:7-4, but other sections provide for a membership of three, five or seven and changes of that number downward or upward to a maximum of nine after a vote on the subject by the qualified voters of the district. Detailed provisions are made for voting on this and number of other issues by qualified voters in school districts governed by Chapter 7.

The board is a body corporate, NJSA 18:7-54, with power to sue and to be sued, NJSA 18:7-59.

Under NJSA 18:7-56 the board may make rules and regulations for its own government, the transaction of business, the government and management of the public schools and the public school property in the district and for the employment and discharge of principals and teachers.

Its general powers are described in NJSA 18:7-57, which reads as follows:

"A board *may*:

a. Adopt an official seal by which all its official acts may be authenticated;

b. Enforce the rules and regulations prescribed by the State board of education;

c. Select the *textbooks* and provide the textbooks and other necessary *school supplies*;

d. Prescribe, in connection with the county superintendent of schools, the *courses of study* to be pursued in the schools;

e. Permit a schoolhouse to be use for other than school purposes;

f. Suspend or expel pupils; and

g. Make an annual report to the county superintendent of schools on or before August 1 in the manner and form prescribed by the commissioner."

PART II - continued (12)

NJSA 18:1-58, reads as follows:

> "No principal or teacher shall be appointed, transferred, or dismissed, or the amount of his salary fixed; no school term shall be determined, no course of study shall be adopted or altered, and no textbooks selected, except by a majority vote of the whole number of members of the board."

Pursuant to provisions of NJSA 18:7-70, a board may appoint a superintendent of schools, under rules prescribed by the State board and upon approval by the county superintendent of schools and the commissioner of education and the State board of the necessity for such appointment. Also the boards of two or more districts may unite in employing a superintendent. He shall have the right to a seat in the board or boards and the right to speak on all educational matters, but not the right to vote. Pursuant to NJSA 18:7-70.2 he has the same powers as superintendents in Chapter 6 Districts. He is required under NJSA 18:7-70.4 to report to the State commissioner of education annually, and presumably he is also required to report to the county superintendent, unless he qualifies as a superintendent of schools "appointed in any city school district" over whom the county superintendent has no jurisdiction under NJSA 18:4-10.

In those Chapter 7 districts in which no board of school estimate has been established, which presumably is most of them, the board of education prepares a detailed budget by items and gives notice for a hearing on the budget at a public meeting, NJSA 18:7-77.1. After the public hearing and a vote by qualified voters on various items the board determines the amount of money to be voted upon at the annual meeting, NJSA 18:7-77.2.

After a hearing under NJSA 18:7-77.2, the board of education determines the amount of money to be voted upon by the legal voters of the district " at the annual meeting". This seems like the old procedure established in New England and elsewhere, and apparently does not mean that a vote shall be taken at a general election. NJSA 18:7-78 describes the various purposes for which voters may authorize a tax but refers to an "annual or special meeting" and not to a general election. Following the hearing referred to above the board of education certifies the amount approved, delivers a certificate to the governing body of the municipality, and that body levies the taxes necessary to meet the budget, NJSA 18:7-79.

If the Chapter 7 school district has a board of school estimate, the procedure for preparing, reviewing, and approving the budget is similar to that for Chapter 6 school districts, NJSA 18:7-83.3.

Article 7 of Chapter 7 relates to bonds, and contains provisions similar to those in Chapter 6 on the same subject. Qualified voters of the school district vote on bond issues, NJSA 18:7-90.

Under provision of NJSA 18:7-64 the board is required to advertise for proposals for furnishing supplies in the schools, but it is authorized to purchase supplies up to an amount not exceeding $250 without advertisement. Textbooks and kindergarten supplies may be purchased without advertisement. Contracts for building a new schoolhouse or those for repairing an existing schoolhouse at a cost of more than $500 may not be made without previous advertising for bids. This provision is apparently identical with that for Chapter 6 school districts found in NJSA 18:6-25. Chapter 8 deals

Local Level - Regional Boards of Education

Chapter 8 deals with regional boards of education which are organized by consolidating, for specified purposes the territory of several component school districts which may extend beyond county lines. The vote on the question submitted to the legal voters of the respective component school districts usually states the special purpose for which the consolidation is intended and frequently involves the vote on new school construction or new bond issues. Procedures for voting, for combining and selecting board membership are detailed and appear in various sections within this chapter. After a regional district is organized and the board has been selected, with provision for subsequent election of successor boards,

State: New Jersey

PART II - continued (14)

the board becomes a body corporate, NJSA 18:8-9, and enjoys the same powers as those of a Chapter 7 school district, NJSA 18:8-14.

This is probably a phenomenon of the present trend toward consolidation of school districts for economic and other purposes. It seems possible that upon creation of a regional district with its board, established for a specified and limited purpose, the component districts and their boards might continue in existence, although this is not clear from the legislation. If this is not the case, there appears to be little or no difference between the regional district provided for in Chapter 8 and the consolidated district provided for in Chapter 5, except that the latter contemplates the union of two or more districts in the same county, whereas the regional district might include two or more districts lying in different counties.

State: New Jersey

Source of information unless otherwise stated: New Jersey Statutes Annotated, Title 18, Education, St. Paul, Minnesota: West Publishing Company, 1940, with 1961 Pocket Part.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Legislation for "Audio-Visual Education Aids" was enacted in 1950 (L. 1950, chapter 228, sections 1-13) and as last amended appears in the 1961 Cumulative Annual Pocket Part. It has been incorporated into the New Jersey Statutes Annotated and is quoted below in full, except for the citations to the original enactment and a historical reference. No other citations appear.

Chapter 12A. Audio-Visual Education Aids

18:12A-1. County Educational Audio-visual Aids Centers authorized

The boards of education of two or more school districts in any county may by resolution adopted by a majority vote of all the members of each such board, determine to establish a "County Educational Audio-visual Aids Center."

18:12A-2. County Educational Audio-visual Aids Commission

The supervision, management and control of such center shall be vested in a County Educational Audio-visual Aids Commission which shall consist of seven members who shall serve without compensation. Three members of the commission, who shall be known as members of the first class, shall be chosen from the membership of the boards of education of the participating school districts, three members of the commission, who shall be known as members of the second class, shall be chosen from the membership of the professional staffs of said boards of education whose offices, positions or employments are such as to require them to hold appropriate certificates in full force and effect in this State, and one member of the commission, who shall be known as the librarian member, shall be the county librarian if there be a county library in the county, who shall hold office ex officio, and if there be no county library in the county, then such member shall be chosen from among the librarians of the libraries in the county supported in whole or in part by public funds.

18:12A-3. Appointment of members of commission

The first members of the commission shall be appointed forthwith by the county superintendent of schools of the county upon notification that it has been determined to establish such a center and they shall serve until the thirtieth day of June next ensuing.

18:12A-4. Election of members of commission; term; vacancies

On or before said June thirtieth and annually thereafter, the county superintendent shall call a meeting of all of the members of the boards of education of the participating school districts for the election of permanent members of the commission. At such first meeting one member of the first class and one member of the second class, shall be elected for terms of one year, two years and three years, each, beginning on the first day of July next succeeding, and if there be no county library in the county, the librarian member shall be elected for a term of one year. At each subsequent meeting one member of each class shall be elected to serve for a term of three years and a librarian member to serve for one year shall be elected, also, if there be no county library in the county. In all cases the vote of the majority of the members of the boards of education of the participating school districts present and voting shall be necessary for election. Vacancies in the commission shall be filled by the remaining members of the commission according to the qualifications hereinbefore provided for original appointments and they shall serve for the unexpired terms only.

18: 12A-5. Organization of commission; officers; rules and regulations; county treasurer as custodian; bond

Each County Educational Audo-visual Aids Commission shall organize by the election of a chairman and a vice-chairman from its own membership and shall adopt rules and regulations for the establishment and maintenance of said center. The county superintendent of schools shall serve as secretary of the commission, and the county treasurer of the county shall serve as custodian of all moneys and funds of the commission from whatever source derived, without compensation. The county treasurer as such custodian shall keep said moneys and funds in a separate and distinct account and shall disburse the same on orders signed by the chairman and secretary of the commission. Before entering upon his duties as such custodian he shall be required to give additional bond or to renew his bond as county treasurer, in such manner as to cover and secure the faithful performance of his duties as such custodian and any additional premium shall be paid by the commission.

18:12A-6. Powers and duties of commission

The commission shall provide, maintain and furnish educational audio-visual aids to the public schools of the participating school districts and shall provide such facilities, and may incur such expenses as it may deem necessary for said purpose, but shall not make expenditures or commitments in any year in excess of the funds available for that year.

18:12A-7. Assessments for maintenance of Audio-visual Aids Center

The commission shall assess against the participating school districts a sum which, together with any anticipated State aid and private donations, shall be required for the establishment and maintenance of the County Educational Audio-Visual Aids Center during the first year and for the maintenance and operation of the same, during each year thereafter, which total annual assessment shall not exceed $0.60 per pupil in daily average enrollment in the participating school districts and shall be apportioned among the participating school districts in the proportion which the average daily enrollment of the pupils of each such district shall bear to the total average daily enrollment of the pupils of all of the participating school districts. Said average daily enrollment shall be calculated and determined upon the basis of the preceding school year in the same manner as the same was calculated and determined by the Commissioner of Education for the apportionment of current expense State aid for schools among the participating school districts.

PART III - continued (4)

18:12A-8. Budget

On or before September thirtieth of each year the commission shall prepare a tentative budget of the sums required by said commission in carrying on its activities for the ensuing year so itemized as to make it readily understandable, together with a statement of the amount to be assessed against each participating school district for such year, and shall deliver the same to each board of education of the participating school districts before the date of the October meeting of such board. The board of education of each participating school district shall consider such tentative budget at its October meeting and shall return the same forthwith to the commission with its endorsement or suggestions for change, if any, and after all such boards of education shall have so returned the same, the commission shall adopt its budget for the ensuing year and notify the board of education of each participating school district, on or before the November meeting thereof if practicable and otherwise as soon thereafter as possible, of the total amount of the budget and of the amount to be assessed against such school district for said year and each such board of education shall include the amount so assessed against it in the item "current expenses of schools" in the budget adopted or submitted for adoption by it for the ensuing year and the same shall be paid to the custodian of the commission as required and requisitioned by him. If during the first year of the establishment of any such commission it shall be impossible to carry out the budgetary provisions hereinbefore provided, the commission shall certify to the boards of education of the participating school districts the amounts of said assessments as soon as practicable after the establishment of the commission and said boards of education shall pay said assessments from available current expense funds.

18:12A-9. Statement to be forwarded to Commissioner of Education; State aid to Audio-visual Aids Center

Each county educational audio-visual aids commission shall forward to the Commissioner of Education, on or before September first of each year, a statement of its organization and its proposed program of operation for the next ensuing school year, together with an estimate of the amount of State aid, calculated as hereinafter provided, to which it will be entitled for that school year and it shall certify, on or before the next June thirtieth, the amount raised by assessments and private donations for the purposes of such audio-visual center for the said school year and if the amount so raised by assessments or private donations or both for any one school year, for the establishment and maintenance or for the maintenance of such aids center shall be not less than the sum of five hundred dollars ($500.00), and if the commissioner shall approve such organization and program he shall thereupon certify to the Director of Budget and Accounting in the Department of the Treasury that there shall be paid to the custodian of the commission an amount equal to the amount so raised by assessments and private donations out of any funds appropriated by law for said purposes, which amount shall be paid on the warrant of said director drawn on the State Treasurer in favor of the custodian of the commission except that the amount so to be paid by the State to any such commission shall not exceed the sum of twenty-five hundred dollars ($2,500.00) in any one year nor shall it exceed the sum expended by the commission for educational audio-visual aids purchased by it in any year after the first five annual payments have been made. If the sum appropriated by the State for State aid to county educational audio-visual centers in any one year shall be less than the total amounts so certified by the commissioner, each commission shall be entitled to be paid its proportionate share of the total amount so appropriated.

18:12A-10. Apportionment of State aid

The amount raised for the school year 1950-1951 by assessments and private donations by any audio-visual aids commission, together with a statement of the organization of the commission and its program, shall be certified to the commissioner pursuant to the provisions of section nine of this act as soon as they shall be determined upon and the commissioner shall apportion the State aid, in the manner hereinafter provided, on the first day of December, one thousand nine hundred and fifty, and if there shall remain any balance available for State aid after the December first apportionment such balance shall be apportioned among the County Educational Audio-visual Aids Commissions which may be established after December first, one thousand nine hundred and fifty as certificates are received from them.

PART III - continued (6)

18:12A-11. Unexpended funds in custodian's hands

Any unexpended balance of the moneys or funds in the hands of the custodian of any such commission at the end of any school year shall be available for expenditure by the commission in the succeeding year or years but it shall not be included in any report of the amount raised as the basis for the calculation of State aid for any succeeding year.

18:12A-12. Only one County Educational Audio-visual Aids Center in county

Not more than one County Educational Audio-visual Aids Center shall be established in any one county and if any board of education of any school district within the county shall, subsequent to the establishment of a County Educational Audio-visual Aids Center within the county, determine, by resolution adopted by a majority vote of all of its members, to apply for membership therein and shall give notice according to the secretary of the commission, such board of education shall be admitted to membership therein beginning on the first day of the month next following and thereafter shall be subject to the provisions of this act in the same manner as though it had been one of the original participating school districts therein.

18:12A-13. Withdrawal of school district as participant; dissolution of Audio-visual Aids Center

Any board of education of any participating school district may withdraw as a participating district pursuant to resolution duly adopted by said board and notice of intention to withdraw given to the secretary of the commission on or before the first day of August in any year and in event that all participating boards of education, or all of said participating boards of education except one, shall determine to withdraw from any such County Educational Audio-visual Aids Center, the same shall be dissolved and the property of such center shall be disposed of at public or private sale and one-half of the amount realized therefrom, together with one-half of any unexpended balances remaining in the treasury of such center, shall be paid to the State Treasurer to be credited to the State Public School account and the remainder thereof shall be apportioned among the boards of education participating in said center at the time of its dissolution on the basis of the total average daily attendance of the pupils of said district ascertained as hereinbefore provided.

State: New Jersey

PART III - continued (7)

18:24-8. Bureaus in Division of State Library, Archives and History

There shall be established within the Division of the State Library, Archives and History the following bureaus:

.....

c. The Public and School Library Services, which shall include the interloan service, traveling library service, the library extension service, the library advisory service and a deposit and exchange library service to receive, store, exchange, distribute or otherwise dispose of books, magazines, prints, maps and other related library materials as may be transferred to the Bureau; and

.....

18:7-66. Itemized bills for supplies, furnishings and construction

No board shall order paid out of the school moneys under its control, any money for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing, furnishing, or improving school buildings and grounds, unless the person claiming the money shall first present to the board an itemized bill showing the name of the person to whom the amount of the bill is due.

The district clerk, whenever authorized by the board, may purchase such supplies and shall present an itemized bill of the same with his affidavit attached, which bill shall be acted on and paid as are other bills.

State: New Jersey

Source of information unless otherwise stated: New Jersey Statutes Annotated, Title 18 with 1961 Pocket Supplement.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

18:12A-2 (See Part III).

Yes 3. Preparing curricula

18:3-17, 18:7-57(d)

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Yes 5. Organizing AV units and cooperative activities

18:12A-1 (See Part III).

No 6. Conferring on AV use outside of State educational structure

State: New Jersey

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

18:7-57(c), 18:6-20, 18:7-57

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

18:6-25, 18:7-64, 18:7-66, 18:7-117

Yes 10. Financing acquisition by rent or purchase

18:6-48, 18:6-49, 18:6-55, 18:6-57, 18:7-77.1, 18:12A-8, 18:12A-9, 18:12A-10 (See Part III).

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

18:12A-6 (See Part III).

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

18:2-4(e), 18:13-1, 18:13-2, 18:13-3

No 15. Prescribing qualifications of using personnel

State: New Jersey

PART IV (continued)

Yes or
No

Yes 16. Accrediting schools

18:2-4(h), 18:3-16

Yes 17. Building or remodeling schools to facilitate AV use

18:3-19, 18:6-47, 18;11-1, 18:11-6, 18:11-8

Yes 18. Federal aid to schools

18:23-19, 18:23-20, 18:23-21, 18:24-26, 18:24-25,
18:24-24

Yes 19. State aid to schools

18:5-52, 18:8-12, 18:10-1, 18:10-15, 18:10-29.32,

18:10-29.24, 18:10-29.38, 18:10-29.40, 18:10-29.42

Yes 20. Private aid to schools

18:5-24.1, 18:3-21

Yes 21. Library programs

18:12-4, 18:12-7, 18:12-9, 18:24-1, 18:24-27, 18:24-28,
18:24A-5

Yes 22. Research programs

18:3-3

Yes 23. Institutes

18:2-4(c), 18:13-117, 18:13-118

No 24. Other established procedures

State: New Jersey

Source of information unless otherwise stated: New Jersey Statutes Annotated, Title 18, 1940, with 1961 Pocket Supplement

PART IV (Cont.)

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

Topic 3:

Section 18:3-17 directs the State Commissioner of Education, with the advice and consent of the State Board, to prescribe a minimum course of study for the elementary schools and for the high schools, when he deems it advisable. The boards of education in township school districts, incorporated towns and boroughs are permitted by section 18:7-57(d) to prescribe with the County Superintendent the course of study.

Topic 8:

The boards of education in townships, incorporated towns, and boroughs are also permitted by section 18:7-57(c) to select and provide textbooks, along with other necessary supplies. All textbooks selected must be pursuant to section 18:7-58, which requires a majority vote of the board. School Districts in cities must also select books with a majority vote of their boards, according to section 18:6-20.

Topic 9:

Section 18:6-25is concerned with the purchasing of supplies. That section directs the board of education to require advertisements for proposals, when the purchase exceeds $250.00. Textbooks, however, may be purchased without advertisement. These same requirements are found in section 18:7-64. The first section covers cities and the latter covers townships. In the case of townships, section 18:7-66 also provides no board shall order payment out of the school moneys within its control for school supplies, books, maps, charts, globes, repairing, or improving school buildings, unless the person claiming the money presents an itemized bill to the board. Whenever a board of education decides that money is needed for building, altering, repairing, or improving schoolhouses, or purchasing school furniture and other necessary equipment, it shall prepare and deliver to each of its members a statement of the amount necessary. This language is found in section 18:7-117.

Topic 10:

Section 18:6-48 creates the Boards of School Estimate, who,

State: New Jersey

PART IV (Cont.)

Topic 10: (cont.)

Receive from the board of education an itemized statement of the money thought necessary for current expenses and the repairing and furnishing of the public schools, according to section 18:6-49. When the board of education decides it has made an underestimate, an emergency estimate is furnished to the board of estimate, pursuant to section 18;6-55. Upon receipt of the certificate of the board of estimate,as required by 18:6-56, the governing body of the municipality shall immediately appropriate the funds, by virtue of its authority in section 18:6-57. The boards of education in township school districts, incorporated towns and boroughs, and in cities governed by chapter 7, in which there is no board of estimate, are directed by section 18:77.1 to prepare a budget according to the rules prescribed by the Commissioner of Education. The amounts are to be itemized according to the procedure set out in that section. Sections 18:12A-8 through 18:12A-10 may be found in ~~section~~ Part III.

Topic 14:

Section 18:2-4(e) permits the State Board to make and enforce rules and regulations for the certification of teachers and their examination. A State Board of Examiners is created by section 18:13-1 to grant appropriate certificates or to supervise the teaching or educational guidance of pupils in public schools.. Each city school district is permitted by section 18:13-2 to have a board of examiners. Under the rules of the State Board of Education as well as the rules of the local board, the local examiners are to grant certificates to teach. Section 18:13-3 simply states that the Commissioner is a member ex officio of all boards of examiners.

Topic 16:

Section 18:2-4(h) permits the State Board to withhold approval from any secondary school, whenever its academic work, location or enrollment and percapita cost shall not warrant its continuance. It is the Commissioner who, with the advice and consent of the State Board, is directed by section 18:3-16 to ascertain the thoroughness and efficiency of all schools and grades through examinations.

Topic 17:

Section 18:3-19 authorizes the Commissioner to instruct both county and city superintendents as to the construction and furnishing schoolhouses. All plans and specifications for the erection, improvement, or repair of public schoolhouses are to be drawn under the supervision of the business manager, if there is one, and approved by the local board. The business

State: New Jersey

PART IV (Cont.)

Topic 17: (cont.)

manager is also to supervise the construction and repair of all school buildings. He is to report the progress to the board. Materials and supplies furnished are subject to the inspection of the business manager, with the approval of the board. Section 18:11-1 directs each school district to provide suitable school facilities and accomodations. The commissioner of institutions and agencies is to cause standard plans and specifications for school buildings, when requested to do so by the commissioner of education. This language is found in section 18:11-6. The approval of the State Board of Education is necessary before the contracts on any work can be made, according to section 18:11-8.

Topic 18:

Section 18:23-19 provides that federal funds made available for school purposes are to be apportioned by the Commissioner of Education under plans approved by the State Board. The following section states that this money is to be considered trust funds to be distributed by the Commissioner in conformity with the State Board's plans. The State Treasurer is appointed custodian of these funds by section 18:23-21. Section 18:24-26 is very similar to the last section mentioned. In this section the State Treasurer is to receive and provide for the proper custody of federal funds granted for public school or library purposes. In the case of library funds, the Commissioner of Education is authorized by section 18:24-24 to apply for and accept, as well as administer both funds, books, and library facilities applicable to school or library purposes when granted by the federal government. All action taken by the Commissioner is subject to the approval of the Governor and the State Board. Should the federal law provide that there be a State agency to carry out its purposes, the State Department of Education is so designated by section 18:24-25.

Topic 19:

Section 18:5-52 authorizes each district to have a custodian of school moneys, to hold the moneys, no matter their source. The County Superintendent is to make, not only an apportionment to the school districts, but also, an apportionment to the regional boards of education. This is the import of section 18:8-12. Section 18:10-1 provides that the Governor, Attorney-General, Secretary of the State, State Comptroller, State Treasurer, and the Commissioner of Education constitute the board of trustees OF THE FUND FOR THE SUPPORT OF PUBLIC SCHOOLS. The income of the school fund is to be used for the support of public schools, according to section 18:10-15. Section 18:10-29.32 creates the current Foundation Program. The equalization aid payments are authorized by section 18:10-29.34. County Aid

State: New Jersey

PART IV (Cont.)

Topic 19: (cont.)

is provided for by section 18:10-29.38. Section 18:10-29.40 then directs the appropriation of $350,000 annually by the Commissioner with the approval of the State Board as emergency aid. The Commissioner is to estimate the amount needed and the amounts payable pursuant to his authority in section 18:10-29.42.

Topic 20:

Section 18:5-24.1 permits the board of education of any school district to accept any gift or grant. Subject to the approval of the Governor and the State Board, section 18:3-21 permits the Commissioner to accept on behalf of the State any grant, conveyance, devise, bequest or donation to be applied, principal or income, or both for the pueposes specified.

Topic 21:

Section 18:12-4 authorizes the State Comptroller to draw a warrant for school money to the order of the Public Library Commission for twenty dollars, if the like sum has already been raised to establish a school library or to procure books. The sum permitted for maintenance is an additional ten dollars. The Public Libray Commission is directed by section 18:12-7 to adopt rules and regulations for the organization and management of libraries. All selections of articles assisted by State funds are to be approved in the manner directed by the Commission. The expenses of the Commission are to be paid by the State Treasurer, according to section 18:12-9. Section 18:24-1 creates the Division of State Library, Archives and History, as well as the Division of Museum within the State Department of Education. The State Board of Education is authorized by section 18:24-27 to establish and maintain a deposit and exchange library service in the former Division for the purpose of receiving, storing, exchanging, distributing, or otherwise disposing of books, magazines, prints, maps, and other related library materials as may be transferred to the Division. This service is to be administered by the Bureau of Public and School Library service within the Division. Section 18:24-28 also authorizes the State Board to acquire proper storage facilities and equipment to maintain this service.

Topic 22:

Among the directors. whose compensation and appointment come about through the procedure outlined in section 18:3-3, is the Commissioner's assistant in charge of Research. He must obtain the approval of the State Board first, as in most things.

State: New Jersey

PART IV (Cont.)

Topic 23:

Section 18:2-4(c) authorizes the State Board to prescribe rules and regulations for the holding of teachers' institutes. The Commissioner is directed by section 18:13-117 to procure instructors and lecturers for teachers' institutes. He is also to report to the State Board on the expenses incurred. Superintendents, supervisors, principals, and teachers are to be permitted to attend the New Jersey State Teachers' Association's annual convention, when requested. However, section 18:13-118, which is concerned with this subject, only authorizes this permission for two days in any one year.

NEW MEXICO (1959-60)

Enrollment in full-time public schools:	
Elementary	179,806
High School	51,198
Number of school districts (including non-operating)	91
Number of elementary schools	506
Number of high schools (including junior high)	173
Expenditure per pupil in average daily attendance	$363

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

NEW MEXICO

County and Independent School Superintendencies

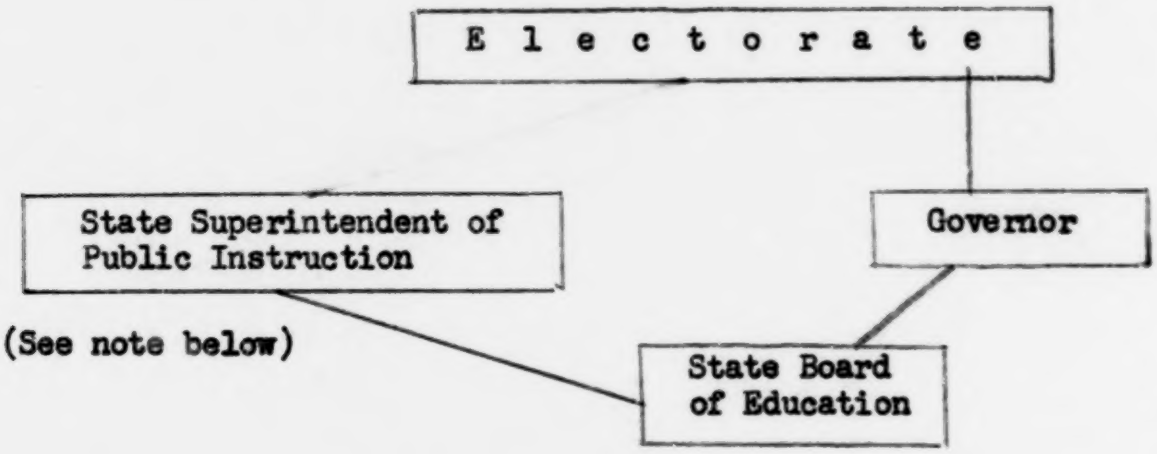
There are 90 school superintendents in the State; 8 partial county unit and 82 independent city or town superintendencies. Twenty-four counties in the State do not have county school organizations. Schools in these counties are administered by local superintendents and are included in the independent city or town superintendencies.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 137.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 109-111.
(as amended)

NEW MEXICO

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



(See note below)

2. Schools....

State Board of Education and State Department of Public Education.--The State board of education shall determine public school policy and ....shall have control, management and direction of all public schools....The board shall appoint a qualified, experienced educational administrator to be known as the superintendent of public instruction, who shall, subject to the policies established by the board, direct the operation of the state department of public education. The members of the State board of education shall be elected...- one from each of the present ten judicial districts. The initial board shall determine by lot from its membership three members to serve terms of two years and three members to serve terms of four years. The remaining members of the initial board shall serve terms of six years. Thereafter...their replacements shall be elected...for terms of six years. If additional judicial districts are created the legislature may provide ...for the election...of a board of not less than seven members nor more than ten members... The governor shall fill vacancies in the board by appointment of a resident from the district in which the vacancy occurs.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction and the State board of education are jointly responsible for the coordination of the State program of public elementary and secondary education.

NOTE: The State superintendent of public instruction was formerly elected by the people but through amendment to the constitution he is now appointed by the board of education.

8. Coordination of the State Education System Through Ex Officio Memberships

The State Superintendent of public instruction and the governor are ex officio members of the State board of education.

9. Fiscal Coordination

The three State education agencies which transmit budgets to the governor for inclusion in the executive State budget are the State superintendent of public instruction..... The governor, assisted by the State budget director, considers the budgets and may hold public hearings if necessary. Employing the information obtained through such investigations and inquiries, the governor revises the budgets of educational agencies according to his judgment. The governor then incorporates the educational budgets into the executive State budget, which he presents to the legislature with his budget message.

State: New Mexico

Source of information unless otherwise stated: State of New Mexico Public School Code, 1953 with 1955 and 1961 supplements.

PART I

Educational Organization

State level:

Department of Education: called State Department of Education

how organized:

established by:

is it a body corporate:

State Board of Education: called State Board of Education, Sec. 73-1-1

established by: Sec. 73-1-1

is it a body corporate:

composition: 10 members, Article 12 of State Constitution

how selected: Elected from each judicial district, ibid.

is confirmation necessary: No

subject to what control:

to whom reporting:

term of office: 6 years, Article 12 of State Constitution

Chief state school officer: called State superintendent of public instruction Sec. 73-1-1

office established by: Sec. 73-1-1

how selected: Appointed by State Board of Education, Article 12 of State Constitution

is confirmation necessary: No

subject to what control: Board of Education, ibid.

to whom reporting: State Board of Education, Sec. 73-2-1

term of office:

staff and who appoints: Assistant Superintendent appointed by State Superintendent, Sec. 73-2-1

Other organization or official: called

State: New Mexico

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education, if any: called County board of education, Sec. 73-9-1

established by: Sec. 73-9-1

is it a body corporate: Yes, Sec. 73-9-1

composition: 5 members, Sec. 73-9-1

how selected: Selected by County Superintendent and district judge in the county affected, Sec. 73-9-4

is confirmation necessary:

subject to what control:

to whom reporting:

term of office: 4 years, Sec. 73-9-4

school
Administrative officer of unit; called County/superintendent, Sec. 73-5-1

office established by: Sec. 73-5-1

how selected: Elected by the people, Sec. 73-5-1

is confirmation necessary: No

subject to what control: State board of education & supt. of public instruction, Sec. 73-5-3

to whom reporting: Superintendent of public instruction, Sec. 73-5-4.

term of office: 2 years, Sec. 73-5-1

staff and who appoints: (County school supt. with consent of county board of education may appoint clerk, Sec. 73-5-5)
The above law repealed in 1955.

State: New Mexico

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Independent/Rural School District

how organized: Sec. 73-9-14

composition: Any rural district with ADA in excess of 400, and an accredited high school, Sec. 73-9-14

is it a body corporate:

Board of education: called Board of Educational/Trustees

established by: Sec. 73-9-15

is it a body corporate: Yes, with power to sue and be sued, Sec. 73-9-20

composition: 5 members, Sec. 73-9-14

how selected: Elected, Sec. 72-9-15

is confirmation necessary: No

subject to what control:

to whom reporting: County Board of Education

term of office: 4 years, Sec. 73-9-21

Administrative officer of unit: called Superintendent, Sec. 73-9-20

office established by: Sec. 73-9-20

how selected: Employed by Board, Sec. 73-9-20

is confirmation necessary: No

subject to what control: Board of Educational Trustees, Sec. 73-9-20

to whom reporting:

term of office:

staff and who appoints:

State: New Mexico

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Municipal School District

how organized: Sec. 73-10-1

composition: Cities, towns and villages, Sec. 73-10-1

is it a body corporate:

Board of education: called Board of Education of (name of city)

established by: Sec. 73-10-1

is it a body corporate: Yes, Sec. 73-10-2

composition: 5 members, Sec. 73-10-4

how selected: Elected, Sec. 73-10-4

is confirmation necessary: No

subject to what control:

to whom reporting: County Board of Education

term of office: 6 years, Sec. 73-10-4

Administrative officer of unit: called Superintendent(power same as county board) 73-10-2

office established by: Sec. 73-5-1

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: New Mexico

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Union High School District

how organized: Sec. 73-11-2

composition: 2 or more contiguous districts for the purpose of establishing high school, Sec. 73-11-2

is it a body corporate:

Board of education: called Union High School Board

established by: Sec. 73-11-2

is it a body corporate: Yes, same as municipal and county boards Sec. 73-11-4

composition: 1 member from each district forming the union, Sec. 73-11-4

how selected: 1 delegated by each district board, Ibid.

is confirmation necessary: No

subject to what control:

to whom reporting:

term of office: For period he holds office in original board, Sec. 73-11-4

Administrative officer of unit: called Superintendent, (power same as county board) Sec. 73-11-4

office established by: Sec. 73-5-1

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: New Mexico

PART I

Educational Organization (continued)

Schools

Principals

appointed by: **County board shall call upon boards of school directors to nominate teachers, Section 73-9-8**

qualifications:

term of office:

Teachers

appointed by:

qualifications:

certification:

tenure:

special assignments:

State: New Mexico

Source of information unless otherwise stated: State of New Mexico Public School Code, 1953; with the New Mexico Statutes Annotated 1961 Pocket Supplement to volume 11.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Section 73-1-1: "The state board of education, pursuant to section 6, Article XII, of the state Constitution, shall be the governing authority of all public elementary and high schools of the state and shall cause the provisions of this chapter to be carried into effect to the end that the school laws of the state shall be properly and uniformly enforced....Said board is authorized to delegate such administrative and executive functions to the superintendent of public instruction as it may see fit, and the state superintendent of public instruction shall direct the operation of the state department of public education subject to the policies established by the board."

Section 73-5-3: "Subject to the superior and supervisory power of the state board of education and the superintendent of public instruction, the county superintendent shall have power and be charged with the following duties:
(a) To exercise a careful supervision over all of the rural schools of the county.

(b) To visit each rural school within his county at least once each year and at such other times as the state board of education or the superintendent of public instruction shall direct.

(c) To consult with school directors concerning the conduct of their schools and to hold teachers' meetings for the advancement of school interests.
(d) To supervise the methods of instruction in rural schools.

Section 73-9-7: "Except with respect to independent and union high school districts, the county board of education shall have supervision and control of all rural schools and districts, and of sites, buildings, equipment and funds of the districts with the power to employ and discharge all teachers and school employees of the schools, subject to the limitations herein otherwise provided; Provided, that the county board of education may in its discretion delegate to the county superintendent the power to discharge and employ all teachers and school employees."

State: New Mexico

PART II (Cont.)

Section 73-9-14: This section confers upon independent rural school districts the same powers and duties as are provided for the municipal boards of education.

Section 73-9-20: In similar fashion this section vests all the powers and duties of the municipal boards of education in the board of educational trustees in the counties.

Section 73-10-2: In the case of municipal boards of education this section provides that, except as otherwise provided, they have like powers and duties over the schools and districts within its jurisdiction as those possessed by county boards of education.

Section 73-11-4: In referring to union high school boards this section states that these boards have the same powers and duties as municipal boards of education.

State: New Mexico

Source of information unless otherwise stated: State of New Mexico Public School Code, 1953; with the New Mexico Statutes Annotated 1961 Pocket Supplement tovolume 11.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

New Mexico has not provided for audio-visual media by statute. There is, however, a discussion of educational television in the Department of Education Report to the State Board of Education, June 1, 1961 at page C-3. Under the topic elementary division of instructional services the report refers to a local station which broadcasts programs to prepare five-year old for the first grade.

State: New Mexico

Source of information unless otherwise stated: State of New Mexico Public School Code, 1953; with the New Mexico Statutes Annotated 1961 Pocket Supplement to volume 11.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

No 2. Planning the use of AV aids

Yes 3. Preparing curricula

73-1-7(1), 73-5-3(d), 73-12-1, 73-17-1

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

No 5. Organizing AV units and cooperative activities

No 6. Conferring on AV use outside of State educational structure

State: New Mexico

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

73-1-7(a), 73-12-1, 73-18-1, 73-18-3, 73-18-18

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

73-1-8, 73-18-2, 73-18-4

Yes 10. Financing acquisition by rent or purchase

73-3-4, 73-3-5, 73-7-3, 73-7-6, 73-7-28, 73-7-31

No 11. Regulating use of AV aids and keeping statistics on use and using personnel

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

73-1-7(d), 73-1-7(e), 73-1-7(f), 73-12-3, 73-12-13(g)

No 15. Prescribing qualifications of using personnel

State: New Mexico

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

73-1-9(b), 73-7-15, 73-11-1

Yes 17. Building or remodeling schools to facilitate AV use

73-1-9(a)

Yes 18. Federal aid to schools

73-1-9(c), 73-7-45

Yes 19. State aid to schools

73-7-29, 73-7-29.2, 73-7-29.4, 73-7-33, 73-7-34, 73-7-35, 73-7-38, 73-7-39, 73-7-40, 73-7-41, 73-7-47, 73-7-48

Yes 20. Private aid to schools

73-8-1

No 21. Library programs

No 22. Research programs

Yes 23. Institutes

73-1-7(h), 73-2-1(e), 73-5-3(c), 73-12-5

No 24. Other established procedures

State: New Mexico

Source of information unless otherwise stated: State of New Mexico Public School Code, 1953; with the New Mexico Statutes Annotated 1961 Pocket Supplement to volume 11.

PART IV (Cont.)

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

Topic 3:

Section 73-1-7(1) confers upon the State Board of Education the power to prescribe and enforce a course of study in both elementary and high schools and to determine the number of credits necessary for graduation from high school. The County Superintendent is dutybound to supervise the methods of instruction in the rural schools, according to section 73-5-3(d). Teachers are directed by section 73-13-1 to enforce the course of study. In section 73-17-1 are listed those subjects which the State Board must prescribe.

Topic 8:

Section 73-1-7(a) authorizes the State Board to adopt a system of school books for use in the first eight grades, not to be changed for six years. The State Text book and Rural Aid Fund is stated to have a number of purposes. Among them are the purchase of textbooks and the adoption of a list of books to be loaned. Teachers are required to enforce the use of adopted textbooks, according to section 73-12-1. Section 73-18-1 is very similar in language to section 73-1-7(a). The State Textbook Division and Director are created by section 73-18-3. The Director is to publish rules and regulations for the handling and distribution of free textbooks, basal texts being preferred over supplementary readers and other materials. Section 73-18-18 permits publishers to distribute to county, municipal and rural boards free textbooks.

Topic 9:

Section 73-1-8 gives the State Board full control of administering the state school building, textbook and rurual aid fund. This fund is designed to pay for the erection and repair of school buildings and the furnishing of said school buildings. Where there are indigent school children, section 73-18-2 authorizes the governing authorities of school districts to purchase both school books and supplies. But, no district may spend over $50.00 during any school term. Section 73-18-4 establishes the Textbook Administration Fund to cover expenditures.

State: New Mexico

PART IV (Cont.)

Topic 10:

Section 73-3-4 states that the Public School Finance Division is to supervise and control the preparation of all budgets. In the operation the Division is directed to advise and consult with the Superintendent of Public Instruction, according to section 73-3-5. In section 73-7-3 are listed the general categories of the Maintenance Budget. These include salaries, clerical and plant supplies. The Direct Charge Budget is found in section 73-7-6. In this budget are included equipment, library reference books, and the improvement of school buildings. Section 73-7-28 places all school funds in the hands of the County Treasurer. Section 73-7-31 permits districts to transfer a surplus from either fund to meet the expenses of the other.

Topic 14:

Section 73-1-7(d) directs the State Board to hold or cause to be held examinations for teachers for all schools under such regulations as it may prescribe. The following section, 73-1-7 (e), provides that the Board determine qualifications of persons teaching, or desiring to teach in any of the public schools, and to that end publish a system of teacher classification. The Board also is authorized to certificate teachers according to law and the prescribed classification of the Board itself. This language is found in section 73-1-7(f). Teachers working without a required certificate forfeit all claim to compensation for their services, according to section 73-12-3. Section 73-12-13(g) refers to the dismissal procedure for teachers with substandard certificates.

Topic 16:

Section 73-1-9(b) confers upon the State Board the power to require all accrediting agencies for the elementary grades, the junior and senior high schools to act with the approval and under the direction of the Board and the Superintendent. The Board is responsible for prescribing minimum educational standards for all public schools, according to section 73-7-16. That section lists the required categories of standards. The Board is permitted to modify the standards from time to time. Section 73-11-1 discusses the requirements for the establishment of a high school.

Topic 17:

Section 73-19(a) provides that the State Board is empowered to examine and approve all plans and specification for the repair and construction of school buildings of 5 rooms or less. No contract for repair or construction is valid without the approval of the Board.

State: New Mexico

PART IV(CONT,)

Topic 18:

Section 73-1-9(c) Authorizes the State Board to accept and receive all grants from the United States made for public school purposes or in any way pertaining to the state public school system. Section 73-7-45 refers to the Mineral Leasing Act Funds received by the state and to be used for the benefit of the public schools.

Topic 19:

Section 73-7-29 directs the State Treasurer to certify to the State Superintendent the money in the current common school fund for its apportionment. The constituents of the current school fund are listed in section 73-7-29.2. The fund is distributed upon the order of the chief of the public school finance division in the proportion the number of school age children bears to the number of such children in the state. This language is found in section 73-7-29.4. Section 73-7-33 creates the State Public School Equalization Fund, which includes the State School Fund, and the State Common School Fund. Its moneys are distributed pursuant to the procedure set out in section 73-7-34 and 73-7-35. The funds remaining, once this method has been completed, are distributed according to section 73-7-38. After receiving the money for the county, the County Treasurer is directed by section 73-7-39 to distribute the funds to each school administrative unit. The computation for distributing the Equalization Fund is found in section 73-7-40. Section 73-7-41 covers the obtaining of warrants for the Equalization funds. Section 73-7-47 creates a Supplementary Assistance Fund for those counties unable to meet the standards of the State Board. This fund is distributed according to the procedure found in section 73-748.

Topic 20:

Section 73-8-1 empowers governing school authorities to accept any unconditional charitable gifts, grants, devises and bequests.

Topic 23:

Section 73-1-7(h) makes the State Board responsible for prescribing the times, manner and courses of study and fees for all teachers' institutes. The State Superintendent is directed by section 73-2-1(e) to visit the schools of each county for the purpose of holding teachers' meetings, conferring with county superintendents, school boards, and school authorities concerning practical interests of education.. The County Superintendent is charged with the duty of consulting with school directors concerning the conduct of their schools and conducting teachers' institutes. The authority for this is

State: New Mexico

PART IV (Cont.)

Topic 23: (cont.)

section 73-5-3(c). The State Board is directed to regulate teachers' institutes according to section 73-12-5.

NEW YORK (1959-60)

Enrollment in full-time public schools:	
Elementary	2,126,130
High School	702,723
Number of school districts (including non-operating)	1,327
Number of elementary schools	3,654 (estimated)
Number of high schools (including junior high)	1,471 (estimated)
Expenditure per pupil in average daily attendance	$563

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

NEW YORK

Supervising District, City, and Village Superintendencies

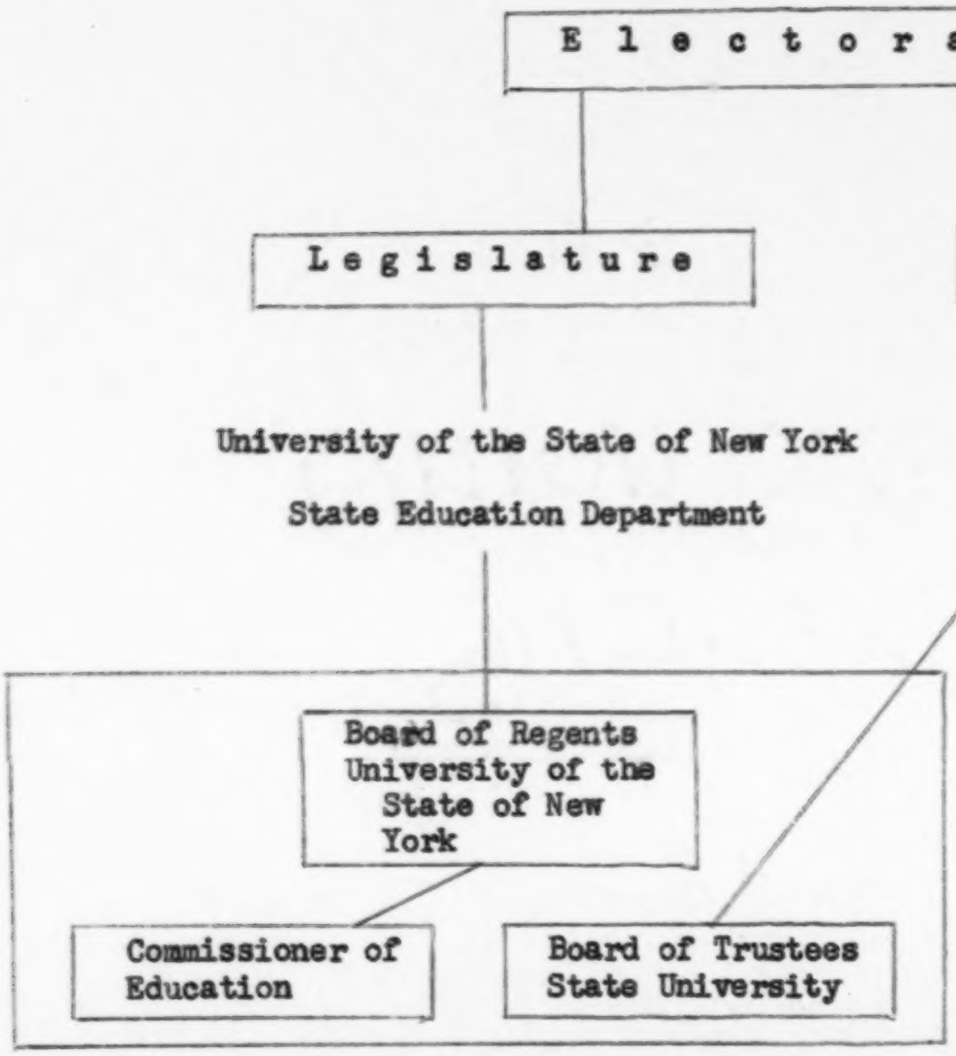
There are 298 school superintendencies in the State: 104 supervisory districts, 63 city, and 131 village superintendencies. There are no county school superintendents in the State; the general administration of schools is under the city, village, or district superintendent.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 138.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 111-114.

NEW YORK

1. State Educational Structure Chart (relating only to elementary and secondary public schools)


Electorate
Legislature
Governor
University of the State of New York
State Education Department
Board of Regents University of the State of New York
Commissioner of Education
Board of Trustees State University

2. State Education Boards

a. Schools....

Board of Regents, University of the State of NewYork.—A constitutional board composed of 13 members who have 13-year terms, with one member's term expiring annually. The regents are elected by the legislature, 1 from each of the 10 judicial districts of the State plus 3 elected from the State at large. No member of the board of regents may be a president, principal, or any other officer of an institution belonging to the university, and no person may serve on the board after the first day of April next succeeding his seventieth birthday.

The board of regents is the governing body of the University of the State of NewYork and the State education department. (*The University of the State of New York* is not to be confused with the *State University* which exists as a corporation within the State education department.

b. Supplementary programs

Temporary Commission on Education Finances (advisory).--Consists of 9 members appointed by the governor for indefinite terms. The purpose of the commission is to make a comprehensive study and appraisal of the financing of public education in the State.

3. Chief State School Officer

The commissioner of education is elected by a majority vote of the board of regents of the University of the State of New York and serves at the board's pleasure. Residence outside the State of New York does not disqualify a person from election to the office. The commissioner of education is the chief executive officer of the State education department and the president of the University of the State of New York.

7. Coordination of the State Education System Through Structure

The board of regents of the University of the State of NewYork is responsible for the coordination of the State's entire system of public and private elementary, secondary, and higher education, including....

9. Fiscal Coordination

One State education agency submits budgetary requests to the governor, the board of regents of the University of the State of New York (education department budget).

The governor's fiscal staff forms the division of the budget which is administered by the State budget director who is an appointee of the governor. The State budget director receives and analyzes the proposed budget. He has authority to recommend or make changes in certain portions of the budget request, to recommend a reduction in the total amount requested, and to eliminate specific items of the budget request. After the staff of the budget director analyzes the budget, hearings are held with the commissioner of education, deputy commissioner of education and members of the education department staff. The hearings are conducted by the State budget director, the secretaries of the assembly ways and means committee, and the senate finance committee.

The governor has the authority to reduce the total amount of the budget or to eliminate, increase, or reduce specific items in the budget. The education department budget is incorporated into the governor's budget which is submitted to the legislature with the budget message.

State: New York

Source of information unless otherwise stated: McKinney's Consolidated Laws of New York, Annotated, 1953, with 1961 Cumulative Pocket Part.

PART I

Educational Organization

State level:

Department of Education: called Education Department

how organized: as part of The University of the State of New York with administrative divisions and bureaus, Sec. 103

established by: Sec. 101

is it a body corporate: no

State Board of Education: called formerly The Regents of The University of the State of New York, now called The Univ. of the State of N.Y.

established by: Sec. 201; also Article XI, Sec. 3, Constitution

is it a body corporate: yes, The University is, ibid., acting through the Board of Regents

composition: Board has three more members than the number of judicial districts in the State, Sec. 202 (at present 13 members)

how selected: elected by legislature on joint ballot of 2 houses, Sec. 202

is confirmation necessary: no

subject to what control: legislature

to whom reporting: legislature, Sec. 107

term of office: 13 years (the term of office of one regent shall expire each year, Sec. 202).

Chief state school officer: called Commissioner of Education

office established by: Secs. 101 and 301

how selected: appointed by Board of Regents, Sec. 101, upon majority election by Board, Sec. 302

is confirmation necessary: no

subject to what control: Board of Regents, Sec. 303

to whom reporting: legislature, Sec. 107, and by implication to Board of Regents, Sec. 303

term of office: pleasure of Board of Regents, Sec. 303

staff and who appoints: Deputy Commissioner(see below);associate and assistant commissioners (Sec. 102), and all other needed officers & employees (Sec. 104) approved by Bd. of Regents & appointed by Commissioner.

Other organization or official: called Deputy Commissioner of Education, appointed by Board of Regents, and (over)

State: New York

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called supervisory district, Sec. 2201

how organized: territory of a contiguous group of school districts, Sec. 2201

composition: one or more of following kinds of school districts: central high school, central, union free, or common (p. 163, Part III, 1960 Report of Education Dept.

is it a body corporate: no

Board of education, if any: called School directors (only duty is to appoint district superintendent. Not a true board of education).

established by: Sec. 2203

is it a body corporate: not stated, but obviously not

composition: varies - 2 from each town included in supervisory district

how selected: elected in same manner as town officers are elected, Sec. 2203

is confirmation necessary: no

subject to what control: electorate

to whom reporting: not stated

term of office: 4 years, Sec. 2203

Administrative officer of unit; called district superintendent (really a representative of the Commissioner of Education, with supervisory powers)

office established by: Sec. 2202

how selected: appointed by school directors of district, or, upon their failure to act, by county judge, Sec. 2204

is confirmation necessary: no

subject to what control: Commissioner of Education, Sec. 2216

to whom reporting: Commissioner of Education, Sec. 2216

term of office: 3 years, Sec. 2207

staff and who appoints: as determined and paid for by supervisors (political officials) of component towns, Sec. 2210, and presumably appointed by district superintendent.

State: New York

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called common school district

how organized: continued by Sec. 1501

composition: elementary school or schools, only

is it a body corporate: no, the board is

Board of education: called sole trustee, or board of trustees

established by: Sec. 1601

is it a body corporate: Yes, *ibid*.

composition: 1 or 3 trustees, *ibid*., as determined by electors of district, Sec. 1602

how selected: elected by electors, Sec. 1602

is confirmation necessary: no

subject to what control: electorate

to whom reporting: electors of school district at annual meeting Sec. 1610, and to Commissioner of Education, Sec. 2117, & if relevant, to dist.supt., *ibid*.

term of office: 3 years, staggered in case of 3 member bd., Sec.1602, but 1 yr. for a sole trustee, Sec.2105

Administrative officer of unit: called none at same level except clerk & treasurer, Secs.2123,2101, and in some cases a collector, Sec. 2101

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: New York

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Union Free School District

how organized: Sec. 1522 or continued by Sec. 1501, sometimes coterminous with village, sometimes not.
composition: area previously served by separate common school districts, Sec. 1522
is it a body corporate: no, board is

Board of education: called Board of Education

established by: Sec. 1701

is it a body corporate: Yes, Sec. 1701

composition: 3 to 9 members, Sec. 1702

how selected: election by qualified voters at meeting, Secs.1702, 1703

is confirmation necessary: no

subject to what control: electorate

to whom reporting: taxpayers, Sec. 1721, also 1710; and to Commissioner of Education, Sec. 2117, and, if relevant, to dist. Supt., ibid.

term of office: 3 years, staggered tenure, Sec. 1702, 1703

Administrative officer of unit: called superintendent of schools

office established by: Sec. 1711, if population is 4,500 or more

how selected: appointed by board, ibid.

is confirmation necessary: no

subject to what control: board, ibid.

to whom reporting: board, ibid.

term of office: as determined by board in contract, but after 3 years service contract can be for 5 years maximum,Sec. 1711
staff and who appoints: not stated, but power of board to employ persons it deems necessary is strongly implied in its general powers, Sec. 1709.

State: New York

PART I

Educational Organization (continued)

~~Intermediate level:~~ Local level or independent:

Organizational unit: called Central School District

how organized: by order of Commissioner of Education, Sec. 1801, or by petition of voters, Sec. 1802, also for

composition: elementary or elementary and secondary grades, Sec. 1801

is it a body corporate: no

Board of education, ~~if any~~: called Board of Education

established by: Sec. 1804

is it a body corporate: Yes, Sec. 1804, incorporating Sec. 1701

composition: 5, 7 or 9 members, Sec. 1804

how selected: electors attending organization or annual meeting, Sec. 1804

is confirmation necessary: no

subject to what control: electorate

to whom reporting: taxpayers, Sec. 1804 incorporating Secs. 1710 & 1721; and to Commissioner of Education, Sec. 2117, &, if relevant to dist. supt. *ibid.*

term of office: (a) 5 yrs. staggered for board of 5, (b) 3 yrs. staggered for board of 7, (c) 3 yrs. staggered for board of 9, Sec. 1804

Administrative officer of unit; called Superintendent of Schools

office established by: Sec. 1711 incorporated by Sec. 1804

how selected: appointed by board, *ibid.*

is confirmation necessary: no

subject to what control: board, *ibid.*

to whom reporting: board, *ibid.*

term of office: as determined by board in contract, *ibid.*

staff and who appoints: not stated, but power of board to appoint as necessary implied by Sec. 1709 incorporated by Sec. 1804.

State: New York

PART I

Educational Organization (continued)

Intermediate level: (in some respects intermediate but operated as local)

Organizational unit: called Central High School District

how organized: old ones continued, Sec. 1901, or extended by vote of additional districts joining, Sec. 1902
composition: area containing a number of common school or union free school districts operating only elementary schools
is it a body corporate: no, board is

Board of education, if any: called Board of education

established by: Sec. 1901

is it a body corporate: yes, Sec. 1903 incorporating Sec. 1701

composition: not less than 5, with at least 1 from each common school & 2 from each union free school district served, ibid.
how selected: designated by boards of districts served from among their own respective membership, ibid.
is confirmation necessary: no

subject to what control:

to whom reporting: taxpayers, Secs. 1710, 1721, incorporated by Sec. 1903, and to Commissioner of Education, Sec. 2117, and, if relevant, to dist. supt., ibid.
term of office: coinciding with term as trustee in common school board or as member of union free school board, ibid.

Administrative officer of unit; called Superintendent of schools

office established by: Sec. 1711 incorporated by Sec. 1903

how selected: appointed by board, ibid.

is confirmation necessary: no

subject to what control: board, ibid.

to whom reporting: board, ibid.

term of office: as determined by board in contract, ibid.

staff and who appoints: not stated, but power of board to appoint as necessary implied by Sec. 1709 incorporated by Sec. 1903.

State: New York

PART I

Educational Organization (continued)

~~Intermediate level:~~ Local level or independent:

Organizational unit: called City School District (city with less than 125,000 population)

how organized: Legislature established class, Laws 1950 Ch. 762

composition: 56 cities are in this class(footnote to Sec. 2501)

is it a body corporate: no, board is

Board of education, ~~if any~~: called Board of Education

established by: Sec. 2502

is it a body corporate: yes, ibid.

composition: 5, 7, or 9 members, ibid.

how selected: elected by qualified voters at large, ibid.

is confirmation necessary: no

subject to what control: electorate, and higher authority

to whom reporting: financial, to City, Sec. 2528; general, Commissioner of Education, Sec. 2117

term of office: 5 years, staggered tenure, Sec. 2502

Administrative officer of unit; called Superintendent of schools

office established by: Sec. 2507

how selected: appointed by Board, Sec. 2504, sub. 5

is confirmation necessary: no

subject to what control: Board, holds office at its pleasure, Sec. 2507

to whom reporting: Board, ibid., and Sec. 2508

term of office: pleasure of Board, but not longer than 5 years, ibid.

staff and who appoints: as determined and appointed by Board, Sec. 2503, sub. 5

School district tax collector and treasurer, elected by board, but agreement may be made for collection of taxes by city officials, in which case no school tax collector is appointed, Sec. 2506.

State: New York

PART I

Educational Organization (continued)

~~Intermediate level:~~ Local level or independent:

Organizational unit: called City School District (City with more than 125,000 population)

how organized: continued by Legislature, Sec. 2550 (Laws 1950 Ch. 762)

composition: applies only to New York, Buffalo, Rochester, Syracuse, Yonkers, and Albany

is it a body corporate: no

Board of education, ~~if any~~: called Board of Education

established by: Sec. 2551

is it a body corporate: yes, ibid.

composition: various, see following pages for different cities in this class

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called Superintendent (also Supt. emeritus in city of 1,000,000 or more, Sec. 2554)

office established by: Secs. 2565, 2554

how selected: appointed by City Board of Education, Sec. 2554

is confirmation necessary: no

subject to what control: Board of Education, Sec. 2554

to whom reporting: Board of Education, Sec. 2566

term of office: 6 years in city of 250,000 or more; in other cities at pleasure of Board, but no appointment to exceed 5 years, Sec. 2565

staff and who appoints: as determined and appointed by Board of Education, Sec. 2554. But in city with population of 1,000,000 or more there shall be 9 associate superintendents, who with the superintendent shall constitute a board of superintendents, Sec. 2565.

State: New York

PART I

Educational Organization (continued)

~~Intermediate level~~: Local level or independent:

Organizational unit: called City School District (a) Rochester (b) Syracuse

how organized: see page for class, cities with more than 125,000

composition: city

is it a body corporate: no

Board of education, ~~if any~~: called Board of Education

established by: Sec. 2551

is it a body corporate: yes, ibid.

composition: (a) Rochester: 5 members; (b) Syracuse: 7 members, Sec. 2552

how selected: (a) and (b): elected by voters at large at general or municipal election, Sec. 2553

is confirmation necessary: no

subject to what control: Board of Regents, Sec. 207, Commissioner of Education, Sec. 305

to whom reporting: Commissioner of Education, Sec. 2117; to taxpayers, on finances, by publication, Sec. 2577

term of office: (a) and (b) 4 years, Sec. 2553, not staggered

Administrative officer of unit; called

office established by:

how selected: see other page

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: New York

PART I

Educational Organization (continued)

~~Intermediate level~~: Local level or independent:

Organizational unit: called City School District (a) Buffalo
(b) Yonkers
(c) Albany

how organized: continued by Legislature, Sec. 2550 for class of cities with more than 125,000 population

composition: city

is it a body corporate: no

Board of education, ~~if any~~: called Board of Education

established by: Sec. 2551

is it a body corporate: yes, ibid.

composition: Buffalo, 5 members; Yonkers, 9 members; Albany, 3 members, Sec. 2552

how selected: appointed by mayor of city, Sec. 2553

is confirmation necessary: yes, for Buffalo, by City Council, but not for two others, Sec. 2553

subject to what control: Board of Regents, Sec. 207; Commissioner of Education, Sec. 305

to whom reporting: Commissioner of Education, Sec. 2117; to taxpayers, on finances, by publication, Sec. 2577

term of office: 5 years, Sec. 2553, staggered

Administrative officer of unit; called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: New York

PART I

Educational Organization (continued)

~~Intermediate level~~: Local level or independent:

Organizational unit: called City School District for City of New York

how organized: see page for class, Cities with more than 125,000 population

composition: city

is it a body corporate: no

Board of education, ~~if any~~: called Board of Education

established by: Sec. 2551

is it a body corporate: Yes, ibid.

composition: 9 members, Sec. 2552 (2 each from Manhattan, Brooklyn, Bronx, Queens, and 1 from Richmond, Sec. 2553)

how selected: appointed by Mayor, Sec. 2553

is confirmation necessary: no

subject to what control: Board of Regents, Sec. 207, Commissioner of Education, Sec. 305

to whom reporting: Commissioner of Education, Sec. 2117; to taxpayers, on finances, by publication, Sec. 2577

term of office: 7 years, Sec. 2553, not staggered

Administrative officer of unit; called

office established by:

how selected: see other page

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: New York

PART I

Educational Organization (continued)

~~Intermediate level:~~ Local level or independent:

Organizational unit: called Local School Board Districts in cities of 1,000,000 or more, Sec. 2564

how organized: continued by Sec. 2564, or as organized by City Board of Education, ibid.

composition: part of city, ibid.

is it a body corporate: no

Board of education, ~~if any~~: called local school board

established by: Sec. 2564

is it a body corporate: no, the City Board of Education is

composition: 5 members, Sec. 2564, plus one member of the City Board of Education designated therefor

how selected: appointed by president of borough in which local school district is located, ibid.

is confirmation necessary: no

subject to what control: City Board

to whom reporting: City Board of Education, Sec. 2564

term of office: 5 years, Sec. 2564

Administrative officer of unit; called Assistant City Superintendent

office established by: Sec. 2564

how selected: designated to local school board district by City Superintendent

is confirmation necessary: no

subject to what control: City Superintendent

to whom reporting: City Superintendent

term of office: as determined by City Board, Sec. 2554

staff and who appoints: as determined and appointed by City Board, Sec. 2554

State: New York

PART I

Educational Organization (continued)

Schools

Principals

appointed by: board, Sec. 3012, 3013, 1804 plus 3012, 1903 plus 3012, 2503, 2554

qualifications: determined by board, and on recommendation of superintendent if any, Sec. 2215, 3013, 2509

term of office: determined by board; 3 years probationary period in certain schools, Sec. 3012, thereafter during good behavior, ibid., also 3013 in certain other schools

Teachers

appointed by: board, Sec. 1604, 1709(16), 1804 plus 1709, 1903 plus 1709, 2503, 2554, 2509

qualifications: determined by board, ibid., and on recommendation of superintendent if any, Sec. 2215.

certification: by Commissioner of Education, Sec. 3006; or by district superintendent, city superintendent, or other local authority if authorized by law, Sec. 3008, 2215, 2566

tenure: determined by board; 3 year probationary period in certain schools, Sec. 3012, thereafter during good behavior, ibid.; also 3013 for certain other schools

special assignments: by board, Sec. 2554, 2503, in cities

In cities of 1,000,000 or more there shall be a Board of Examiners of 9 members (including the superintendent or an associate superintendent designated by him) to examine all applicants who are required to be licensed, Sec. 2569.

State: New York

Source of information unless otherwise stated: ____________________

____

____

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

The material attached hereto was prepared for use in a different format, but it contains in substance a description of the general powers contemplated by this form Part II.

NEW YORK

Educational Organization

(References are to sections of Education Law, appearing in McKinney's Consolidated Laws of New York, Annotated, 1953, with 1960 Cumulative Annual Pocket Part; to Rules of the Board of Regents of the University of the State of New York, October 29, 1954; and to other sources as indicated.)

The educational structure of the State of New York is complex, and the laws relating to it and to the powers and duties of officers and organizations in it are both extensive and complex.

Section 101 of the Education Law reads in part as follows:

> "There shall continue to be in the state government and education department. The department is charged with the general management and supervision of all public schools and all of the educational work of the State, including the operations of The University of the State of New York and the exercise of all the functions of the education department, of The University of the State of New York, of the regents of the university and of the commissioner of education and the performance of all their powers and duties, ... The head of the department shall continue to be the regents of The University of the State of New York, who shall appoint, and at pleasure may remove, the commissioner of education. The commissioner shall continue to be the chief administrative officer of the department. The regents may also appoint .... a deputy commissioner of education .... The regents of The University of the State of New York shall continue to constitute a board and The University of the State of New York, which was continued under such name by Section 2 of Article 11 of the constitution, shall continue to be governed and all its corporate powers to be exercised by such board."

This organization is responsive to the legislature. Section 107 of the Education Law provides that the commissioner of education shall annually prepare a report of the education department, including the university, ... over the signatures of the chancellor (head of the board of regents) and of the commissioner of education.

Section 103 of the same law provides that by action of the regent upon the recommendation of the commissioner of education the department may be divided into divisions and bureaus. But by specific provisions of the law a motion picture division was continued (Section 120); divisions of history and public records were continued (Section 140); and jurisdiction and control of the education department was continued over places of scientific and historic interests(Section 160).

Without any suggestion of parity with these divisions and functions, or clear demarcation of organizational status within the department of education, Section 201 of the Education Law provides:

> "The corporation created in the year seventeen hundred eighty-four under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. Its objects shall be to encourage and promote education, to visit and inspect its several institutions and departments, to distribute to or expand or administer for them such property and funds as the state may appropriate therefor or as the university may own or hold in trust or otherwise, and to perform such other duties as may be entrusted to it. The said corporation shall have power to take, hold and administer the real and personal property and the income thereof in trust for any educational, scientific, historical or other purpose within the jurisdiction of the regents of The University of the State of New York."

Hageny describes this organization as follows:

> "The University of the State of New York is said to be the most comprehensive educational organization in the world. It consists of all public and private elementary and secondary schools in the State; all publicly and privately controlled institutions of higher education; and all libraries, museums and other educational and cultural institutions admitted to or incorporated by the University." William J. Hageny, Handbook on New York State Education Law, 1960 Revision, page 107.
> William J. Hageny,

This organization is different from the State University of New York, which was established by law in 1948 as a kind of holding-operating-coordinating corporation comprising all institutions of higher education supported in whole or in part by State moneys. It is also different from New York University, a teaching organization.

The University of the State of New York is governed and its corporate powers are exercised by a board of regents, as provided in Article XI, Section 2 of the constitution of the State of New York. As presently constituted, under provisions of Section 202 of the Education Law, the board consists of thirteen regents, elected by the legislature on joint ballot of the two houses.

Section 203 provides that the elective officers of the University shall be a chancellor and a vice-chancellor and such other officers as are deemed necessary by the regents, all of whom shall be chosen by ballot by the regents. In 1954 the incumbents of these positions were regents (Rules of the Board of Regents, 1954, frontispage), but no statutory requirement to this effect has been found.

Section 6 of the Rules of the Board of Regents, 1954, provides that there shall continue to be a president of The University of the State of New York. The frontispage of that publication showed that the president of the University and the commissioner of education, apparently two different positions, were both occupied by the same person. This may be a coincidence, but it may also be an example of the concurrent jurisdiction, if not the actual identity, of the department of education and of The University of the State of New York. Another example of the identity of these two organizations, for practical reference, is found in Section 106 of the Education Law which provides that the regents of the University upon the recommendation of the commissioner of education shall adopt a seal, which shall be used in common as the seal of the education department and of the University.

There is not a complete identity of function, however. The commissioner, either as the chief administrative officer of the department of education (Section 101, Education Law) or as president of The University (Section 6 of the Rules), would be serving as executive officer for the board of regents, subject to control and to discharge by that body. By Sections 301 and 310 of the Education Law, however, certain judicial functions were conferred upon him as commissioner of education which are beyond the control and jurisdiction of the board of regents and not reviewable by that body under any circumstances or even by a court unless his rulings are capricious or arbitrary.

NEW YORK

Educational Organization - School District

(References are to sections of Education Law, appearing in McKinney's Consolidated Laws of New York, Annotated, 1953, with 1960 Cumulative Annual Pocket Part; to Rules of the Board of Regents of the University of the State of New York, October 29, 1954; and to other sources as indicated.)

General

In New York there are several different kinds of school districts: Common school districts, union free school districts, central school districts, central high school districts, (intermediate school districts, provided for but not yet implemented), supervisory districts, city school districts of cities with less than 125,000 inhabitants, and city school districts of cities with 125,000 inhabitants or more. This variety of types of organization, with a different set of laws and regulations for each type, has developed partly for historical reasons and partly as a result of an extensive program of reorganization which is still in progress. The trend in general has been to consolidate districts in the interest of efficiency, to continue the general pattern of powers and duties of boards of education with respect to operation and maintenance of the schools but to provide the boards with greater fiscal responsibility and independence. Hageny, op. cit., 147-151, 155-156.

Section 1501 of the Education Law continued the existence of the first four types of school districts mentioned above and referred to the particular sections of the new law under which they might be altered or dissolved. Similar provisions relate to other types of organization.

Common School Districts

Section 1601 of the Education Law provides that the sole trustee or the three trustees of a common school district shall constitute a board for such district and such board is hereby created a body corporate. Section 1602 provides for the election of the trustee or trustees by the electorate. Characteristically broad powers and duties of a board of education are conferred upon the trustee or the trustees of a common school district by Section 1604, in the case of the three trustees, and Section 1605 in the case of a sole trustee. Hageny reports that this was the familiar type of grammar school organization in the one- or two-teacher school district and that as late as 1925-26 there were still 9,766 such districts. Today there are approximately 598, of which only 175 operate schools and 423 educate their pupils by contract with other districts maintaining school facilities. Op. cit., page 155.

Union Free School Districts

The board of education of a union free school district is a body corporate and holds and administers school property as a corporation (Section 1701, Education Law). The board of education in such a district, if the boundaries of the district are not coterminous with those of an incorporated village, is composed of not less than three nor more than nine trustees, who are elected by ballot at the annual meeting of the district. Tenure of the trustees is overlapping and staggered so that one-third of the number is elected each year. (Section 1702 of Education Law) In Section 1704 of the Education Law there is similar provision for the constitution and the election of the board of education of a union free school district whose limits correspond with those of any incorporated village, with the exception, however, that the trustee or trustees shall be elected at the annual charter elections of the village by separate ballot.

By Section 1708, the board of education, however elected, is required to hold a regular meeting at least once in each quarter, and to appoint one or more committees which are required to visit every school or department in the district at least twice in each quarter. Section 1709 describes the extensive powers and duties of the boards of education. Probably in order to cure any omissions in the various amendments of the Education Law, Section 1710 confers upon the board of education of a union free school district all the powers and privileges, as well as all the duties, which the trustees of common school districts possess or are subject to.

Section 1711 states that in any union free school district having a population of 4,500 or more, the board of education may appoint a superintendent of schools and prescribe his powers and duties. Apparently this action may be taken even though the union free school district is a component part of a larger district superintendency. See People ex rel. Cherry v. Graves, 1927, 219 App. Div. 563, 220 N. Y. S. 414.

Pursuant to Section 1716, it is the duty of the board of education of each such district to present at its annual meeting a detailed statement of the money required "for the ensuing year for school purposes, exclusive of the public moneys, specifying the several purposes and the amount for each". Special meetings, however, may be called for this same purpose. The statement must be prepared in advance of the annual meeting and be made available upon request to taxpayers within the district.

Pursuant to provisions of Section 1717, the corporate authorities of any incorporated village in which a union free school district is established, are required to raise by tax upon all the real property in the village such sum as the board of education shall declare necessary for teachers' salaries and the ordinary contingent expenses of supporting the schools of that district. This section is clear for those cases in which the union free school district is coterminous with the boundaries of the village. But there are situations in which at least a part of the school district would lie outside of those boundaries. It may be one purpose of Section 1710, referred to above, giving the board of education the same powers of the trustee or trustees of a common school district, to provide for this situation. For Subsection 12 of Section 1604 of the Education Law authorizes the trustee or trustees of a common school district to collect by district tax an amount sufficient to maintain school in the district for the current school year. If this is correct, then the board of education of the union free district, after calling upon corporate authorities to levy taxes upon real property in the village lying within the school district, might then proceed to collect a proportionate amount of taxes on property within the school district lying beyond the village boundaries and the taxing authority of the village officials.

State: New York

PART II - continued (9)

Central School Districts

A newer type of organization, although provided for as early as 1910 if not before, is being utilized now much more extensively as a means of consolidating economic resources and extending to wider areas the educational facilities of well-established centers. One phenomenon which has contributed to this, of course, although not mentioned in the statutes, is the greater mobility of students through use of the school bus.

Section 1801 of the Education Law authorizes the commissioner of education, at the state level, to lay out central school districts for the establishment of central schools giving instruction in elementary or in elementary and high school subjects and to fix, determine and define the boundaries of such districts according to a procedure specifically provided.

In observance of the traditional principle of local control, however, the legislature provided in Sections 1802, 1803, and 1803a detailed procedures for petition, notice, meetings, and voting in order to enable the local taxpayers affected to express their will on questions of organizing a central school district.

Under provisions of Section 1804 it is directed that each central school district shall be managed by a board of education consisting of five, seven or nine members, with the same powers and duties as boards of education in union free school districts.

4

Central High School Districts

According to Hageny, op. cit., page 155, there were in 1960 some 439 central school districts and four central high school districts. Many of the central school districts provide facilities for instruction not only in elementary schools but in high schools as well. Even if the central school district was originally organized to provide only for elementary instruction, its facilities can be extended by appropriate procedure to provide instruction at the high school level and the construction of necessary buildings for that purpose.

The central high school districts were obviously first organized to provide high school instruction for two or more smaller districts offering only instruction at the elementary level. Such an expedient, however, is apparently no longer so important in the general program of reorganizing the school districts.

Section 1901 continues the central high school districts already in existence, their respective boards of education as previously constituted, setting the number of members at not less than five, and providing for the designation of trustees from the component common school or union free school districts to serve on the board of education of the central high school district.

Under Section 1903 the jurisdiction of the board of education of a central high school is limited to the pupils residing in the district who have completed the work of the sixth grade, but as to those pupils and to the high school this board of education has the same powers and duties as those of a board of education of a union free school district.

Intermediate School Districts

Article XL of the Education Law, Sections 150-158, provides for further reorganization and consolidation through the formation of intermediate school districts, intermediate councils, intermediate boards of education, superintendents of the intermediate districts, school sites, State aid, and other subjects. Up to 1961 no action had been taken under this authority. However, there is one section in this Article which if invoked, would afford a kind of trial period preliminary to the extensive reorganization contemplated by Article XL, and which might be of interest to other States in the country as a model for cooperative procedures.

Section 1958 relates to action of school authorities of a supervisory district -- an older form of organization for rural areas described elsewhere. The Section reads in part as follows:

> "The school directors, boards of education, and school trustees of one or more supervisory districts which are not part of an intermediate district.....may, by a majority vote of their members present and voting, file with the commissioner of education a petition for the establishment of a board of cooperative educational services for the purpose of carrying out a program of shared educational services in the schools of the supervisory district and for providing instruction in such special subjects as the commissioner may approve. The commissioner, by order, may authorize the establishment of such a board....."

Other provisions of this section relate to a number of specific ways in which cooperative activities might be conducted.

Supervisory Districts

The supervisory district, an old-type of organization going back as far as 1894, is continued if it existed at the time of the enactment of Section 2201 of the Education Law. That Section provided for its alteration or dissolution but not for the creation of any such new districts. Any prospective changes must conform to several requirements, the most significant of which perhaps is that a supervisory district shall embrace only territory outside of cities and of school districts of 4,500 population or more, which employ a superintendent of schools. Each town included within a supervisory district has two school directors elected at the town elections (Section 2203), whose sole duty, apparently, is to meet with other such directors within the supervisory district for the purpose of appointing a district superintendent of schools (Section 2204).

Section 2215 describes the general powers and duties of the district superintendent. He advises all of the teachers in his district on courses of study and the operation of schools in general and advises trustees of the component boards of education concerning the employment of teachers, the adoption of textbooks and the purchase of library books, school apparatus, furniture and supplies. But in other respects, he has directive functions, calling meetings of teachers and of trustees, and directing the trustees of component boards of education to take various kinds of action for which they would have the prerogative if their respective school districts were operating independently outside of the superintendency. This official reports to the Commissioner of Education directly, not to any group corresponding to a board of education, and performs several functions at the direction of the Commissioner of Education.

City school districts of cities with less than 125,000 inhabitants

Article 51

Sec. 2501. Art. 51 applies to each school district "which now is, or hereafter becomes a city school district of a city with less than one hundred twenty-five thousand inhabitants according to the latest federal census".

PART II - continued (13)

Sec. 2502. The board of education of such a district is a body corporate, consisting of five, seven or nine members, elected by the qualified voters at large of the school district at annual school elections, holding office for five years.

Sec. 2503 describes the powers and duties of the boards, one of which (subsec. 5) is to appoint a superintendent of schools and all other school employees and to determine their duties, except as otherwise provided.

Sec. 2504 prescribes the annual meeting of the board in July of each year, and states that the board shall fix the time for regular meetings, which shall be at least once a month, and for special meetings.

Sec. 2506. The board of education shall appoint a school district tax collector, but may appoint the city school district treasurer to that office, or enter into an agreement with the city for the collection of school taxes on real estate within the city.

Sec. 2507. The superintendent of schools, and the associated superintendent, if any, shall hold office at the pleasure of the board of education.

Sec. 2508 describes his powers and duties.

Pursuant to Section 2516, the board shall prepare, or cause to be prepared, a tentative annual budget, have it printed and filed with the clerk of the board, and show the kind of data required by the Commissioner of Education.

After due notice, the board shall hold a public hearing on the tentative budget (Sec. 2517); following the hearing make changes in it (Sec. 2518); and finally adopt the budget, with publication of it, whereupon in due time the amounts stated in it shall be and become appropriated (Sec. 2519).

PART II - continued (14)

Under Sec. 2513, the board shall let all contracts for public work and all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section one hundred three of the general municipal law. The latter relates to expenditures in excess of $1,000.

City school districts of cities with 125,000 inhabitants or more Article 52.

Sec. 2550. This article applies to the city school districts of New York, Buffalo, Rochester, Syracuse, Yonkers, and Albany, only.

The board of education of such a district is a body corporate (Sec. 2551), composed as follows (Sec. 2552):

New York, 9 members

Buffalo, 5 members

Rochester, 5

Syracuse, 7

Yonkers, 9

Albany, 3

Pursuant to Sec. 2553, members of the boards are selected as follows:

New York, appointed by the mayor, for 7 years, with division of representation among the several boroughs;

Rochester and Syracuse, elected by the voters at large

Buffalo, Yonkers, and Albany, appointed from the city at large by the mayor, but in Buffalo subject to confirmation by the council.

Section 2554, describes the powers and duties of the board of education, which include the appointment of a superintendent of schools and all other school employees, and in a city of 1,000,000 or more the appointment of a superintendent of schools emeritus.

Under Sec. 2563, the date of the annual meeting is fixed, but each board shall fix the time of regular meetings to be held at least once a month and of special meetings.

Sec. 2564 provides that in cities of 1,000,000 or more there shall also be local school board districts, as constituted by the board of education, with a local school board, appointed by the president of the borough, having various duties specified and others as provided by the board of education.

Under Sec. 2565, the Superintendent of schools and associate superintendents of schools have tenure as provided, but in all cases at the pleasure of the board of education. And in cities of 1,000,000 or more there shall be nine associate superintendents, one of whom shall be appointed deputy of the superintendent, and all of whom shall constitute a board of superintendents, exercising such advisory and judicial powers as may be determined by the board of education consistent with law.

The powers and duties of the superintendent of schools are set forth in Sec. 2566.

Sec. 2576 provides several different procedures for the respective cities in this major classification for the preparation and filing of annual budget estimates by the board of education, but the characteristic of all is that the financial requirements for schools are considered along with those for the various activities of the city government itself, and subject to review if not control by city fiscal officials, instead of being handled independently of city or town governments as in the case of smaller school districts.

PART II - continued (16)

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Sec. 3 Committees. 1 On the first day of April in each year, the Chancellor shall appoint the following standing committees and the chairman of each such committee:

a Planning and administration, three members

b Higher and professional education; libraries and museums, five members

c Elementary, secondary and adult education, four members

d Charters, law and legislation, three members

e Licenses, three members

PART II - continued (17)

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Sec. 12 Appropriations, expenditures and accounts. 1 Applications to the Legislature for appropriations for the Department shall be made only with the approval of the Regents, and shall first be submitted to the committee on planning and administration.

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Sec. 13 Councils. 1 The Commissioner with the approval of the Regents shall appoint the following councils. These councils shall serve as advisory bodies with which the officers of the Department may consult regarding any matters involving institutions in the University or registered in the Department.

.....

e Library, five members. One member shall be appointed yearly to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

PART II - continued (19)

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Sec. 13 Councils. 1 The Commissioner with the approval of the Regents shall appoint the following councils. These councils shall serve as advisory bodies with which the officers of the Department may consult regarding any matters involving institutions in the University or registered in the Department.

.....

h Secondary education, five members. One member shall be appointed yearly to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Sec. 13 Councils. 1 The Commissioner with the approval of the Regents shall appoint the following councils. These councils shall serve as advisory bodies with which the officers of the Department may consult regarding any matters involving institutions in the University or registered in the Department.

.....

j Elementary education, seven members. Members shall be appointed to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Sec. 13 Councils. 1 The Commissioner with the approval of the Regents shall appoint the following councils. These councils shall serve as advisory bodies with which the officers of the Department may consult regarding any matters involving institutions in the University or registered in the Department.

.....

p Teacher education, ten members. Members shall be appointed to serve for a term of five years beginning with the first day of October next following the ending of the term to which each, respectively, is to succeed, except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term.

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Apportionments

Sec. 28 General requirements. 1 No school district or private secondary school shall receive any apportionment unless it submits all required reports, maintains an approved course of study, provides a school building and site that are in conformity with the Education Law and the Regents Rules, and meets all other requirements. No secondary school shall receive apportionment for nonresident tuition and attendance of academic pupils at academies unless......

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

Sec. 163 Approved library requirements. The Commissioner shall establish regulations for the registration of libraries and auxiliary units, for personnel, for quarters and equipment, for collections, for schedules of service and reports.

Sec. 164 Apportionments to free libraries. 1 A registered library unit shall be subject to visitation and inspection by the Department, and so long as it maintains approved standards shall be entitled to the rights and privileges provided by the Education Law.

2 Library units set up to provide for circulation of materials, and registered by the Regents, may receive annually, so far as the available appropriation permits, apportionments equal to the money raised by them from other sources. One first apportionment may be made to a newly incorporated library before it has been registered.

Rules of the Board of Regents of The University of the State of New York, October 29, 1954

School Buildings and Grounds

Sec. 207 Regulations. The Commissioner shall make regulations governing the requirements for the plans and specifications for the erection, repair, enlargement and remodeling of school buildings.

Sec. 208 General requirement. Each school district shall provide suitable and adequate school buildings and grounds for the instruction and accommodation of the pupils of such district.

~~Consolidated~~
Consolidated Laws of New York Annotated, Book 16, Education Law

Courses of study

Sec. 3204. Instruction required......
sub.3. Courses of study. a. (1) The course of study for the first eight years of full time public day schools shall provide for instruction in at least the eleven common school branches of arithmetic, reading, spelling, writing, the English language, geography, United States history, civics, hygiene, physical training and the history of New York state.

sub.3.a.(2) The courses of study and of specialized training beyond the first eight years of full time public day schools shall provide for instruction in at least the English language and its use, in civics hygiene, physical training, and American history including the principles of government proclaimed in the Declaration of Independence and established by the constitution of the United States.......

sub.3.e. Changes in courses of study. The state education department shall have power to alter the subjects of instruction as prescribed in this section......

Consolidated Laws of New York Annotated, Book 16, Education Law

Title IV Teachers and Pupils

Sec. 3001, qualifications of teachers to teach in N.Y. schools
must be 18 or over
must hold **teacher's** certificate OR diploma from a state college for teachers or state teachers college of N.Y.
must be citizen or applicant for citizenship

Sec. 3004. The commissioner of education shall prescribe, subject to ~~regulations~~ approval by the regents, regulations governing the examination and certification of teachers employed in all public schools of the state.....

Sec. 3006. The commissioner of education may issue
a life state certificate
other certificates prescribed by rules of the regents
a temporary license, limited to a district and 1 year

Sec. 3008. A district supt., a city supt., or other school authority designated by law may issue certificates as authorized by law or by general rules of the regents

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

Elections to increase...tax limitations of school districts within or partly within cities of less than 125,000 inhabitants

Articel 54 (Sec. 2701-2706)

Sec. 2701 provides a formula for raising funds locally to support the shools by a tax on real property. But sub-section 3 ~~reads~~ set a limit for any increase. It reads:

> 3. In no event shall the constitutional tax limitation for any school district or consolidated school district to which this section applies exceed two per centum.

Sec. 2702 prescribes the procedure for submitting a proposition to increase the limitation (if lower than 2%), Sec. 2703 provides for notice, Sec. 2704 prescribes the procedure for voting on the resolution, and Sec. 2706 for certification of approval of the proposition.

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

City School Districts - cities with 125,000 inhabitants or more

Article 52 (secs. 2550-2586)

Sec. 2550. This whole article applies only to the school districts in New York, Buffalo, Rochester, Syracuse, Yonkers and Albany.

Sec. 2551. The board of education is a body corporate.

Sec. 2552. The membership of the board of education is:
in New York - 9
in Buffalo - 5
in Rochester - 5
in Syracuse - 7
in Yonkers - 9
in Albany - 3

Sec. 2553. Board of education...how chosen...term of office
New York - appointed by the mayor - 7 years, ~~overlapping~~
Buffalo - appointed by the mayor and confirmed by the city council - 5 years, overlapping
Rochester - elected by voters at large - 4 years
Syracuse - elected by voters at large - 4 years
Yonkers - appointed by the mayor and confirmed by the city council - 5 years, overlapping
Albany - appointed by the mayor and confirmed by the city council - 6 years, overlapping

Sec. 2554. Powers and duties of board of education

Sub.1. to perform any duty imposed upon boards of education or trustees of common schools under the Education Law or rules of the regents and regulations of the commissioner of education

Sub.2. to create, etc., any positions, divisions, boards, etc., necessary for proper administration
to appoint a superintendent of schools and all other officials and teachers, etc., necessary
to prescribe their duties

Sub.7. to purchase and furnish such aparatus, maps, globes, books, furniture and other equipment and supplies as may be necessary
to provide textbooks or other supplies to all children attending the schools

Sub.10. to establish and maintain libraries...open to the public
to organize & maintain public lecture courses... and reading rooms

Sub.11. to authorize the general courses of study...and approve their content before they become operative

Sub.12. to authorize and determine the textbooks to be used BUT in a city having a board of superintendents the books selected must be from lists recommended by such board

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

City School Districts - Cities with less than 125,000 inhabitants

Article 51

Sec. 2502. The board of education is a body corporate (sub.1), composed of 5, 7 or 9 members, elected by qualified voters at large at annual school elections (sub.2). Provision is made for changing number of members in other subsections. Membership is for 5 years, staggered in time among members.

Sec. 2503. Powers and duties of board of education

Sub.1. "duties and powers ~~granted~~ of:
  boards of education of city school districts
  union free school districts
  trustees of common school districts
as provided by law, rules of the regents, and regulations of commissioner of education

Sub.2. prescribe its own rules & regls.

Sub.3. "Shall have in all respects the superintendence, management and control of the educational affairs of the district, and....all the powers reasonably necessary to exercise powers granted expressly or by implication and to discharge duties imposed expressly or by implication by this chapter or other statutes."

Sub.4.b. maintain public libraries pursuant to sec. 255 of Education Law, ~~without necessity of vote of the electors~~ and make contract with any public library or free library association library duly register, with necessity of vote of electors; maintain public lecture courses....

Sub.4.c. "Shall authorize the general courses of study which shall be given in the schools and shall approve the content of such courses before they become operative."

Sub.4.d. "Shall authorize and determine the textbooks to be used in the schools under its jurisdiction...."

Sub 5. Shall create...such boards or bureaus...as may be necessary ....appoint properly qualified persons...including superintendent of schools....and all others...necessary for efficient management of schools...and determine their duties except as otherwise provided....

Sub.7. shall purchase and furnish such apparatus, maps, globes, books, furniture and other equipment and supplies as may be necessary for the proper and efficient management of the schools....and may, without authorization by the voters, provide textbooks or other supplies to all the children attending the schools....

Sub.9.a. shall promote the best interests of the schools...and authorize such extra classroom activities...as the board...shall deem proper (this ~~spx~~ in cludes by specific provision cafeterias, and by inference might be interpreted to activities outside of the classroom)

City school districts (less than 125,000) continued:

Sec. 2506. The board of education appoints a school district tax tax collector, who holds office at its pleasure (sub.1), and who collects taxes levied by the board on real estate in the district, ~~unless the board agrees~~ (sub.2.d.), unless the board enters into an agreement with the city for the collection of taxes, as it is authorized to do (sub.2.a.), in which case the city tax official makes the collection of taxes imposed (sub.2.b.)

Sec. 2507. The ~~district~~ superintendent of schools and the associate superintendent, if any, hold office at the pleasure of the board, but the supt. may be appointed for 5 years.

Sec. 2508. Powers and duties of superintendent of schools
sub. 1. He is chief executive officer/ of the school district has a seat on the board of education and the right to speak but not vote.
sub. 2. he enforces all laws, rules & regls.
sub. 3. he prepares the content of each course of study which has been authorized by the board, submits it to the board for its approval, and after approval he puts it into effect.
sub.4. he recommends suitable lists of textbooks
sub.5. he has supervisory power over all operational personnel in the school system...can transfer teachers from grade to grade in the same course, but must report such action to the board for its consideration ~~at the next~~...and has disciplinary power, but must report violations and actions to the board for its consideration at its next meeting.
sub.6. he supervises enforcement of the courses of study.....

Sec. 2513. Contracts; advertisement for bids.
"The board of education shall let all contracts for public work and all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section 103 of the general municipal law. Added L.1953, c.861, Sec.15, eff. Sept.1,1953."
"Historical note. Former section 2513, which related to competitive bidding on contracts involving an expenditure of more than $1,000, as added by L.1950, c.762, Sec.3, was repealed by L.1953, c.861, Sec.15, eff. Sept.1.1953. The subject matter is now covered by General Muncipal Law, Sec. 100 et seq....."

Sec. 2516. The board of education shall prepare a tentative budget annually in a form prescribed by the commissioner of education, showing amounts required for operational and general purposes, according to a formula prescribed, amounts required for contingent purposes, according to a formula, and "any other matter which the board of education shall deem necessary."

Sec. 2517. A public hearing is then held, after due notice.

Sec. 2518. After the meeting the board may revise the tentative budget.

NEW YORK

City school districts (less than 125,000) continued:

Sec. 2519. Thereafter, and before close of the fiscal year, the board adopts the budget in final form, showing any changes made; ten days later publishes it in one or more newspapers; and after the beginning of the fiscal year the amounts stated become appropriated from different sources, and amounts to be raised by tax on real estate become applicable as a charge thereon.

NOTE

Under previous law members of the board of education in some cities of less than 125,000 were appointed by the city council or the mayor. Section 2502 made them elective, as shown above. This change was made by legislation in 1950, but the act also provided:

Section 2531. a procedure to be followed in continuing the appointment of members of the board, as previously provided, instead of the election of them. In other respects the provisions concerning the board of education, as set forth in 1950 and shown in the current Consolidated Laws, are in force.

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

Article 45 - Supervisory Districts

Sec. 2201 continues those supervisory districts already in existence and suggests, at least, the nature of those by prescribing standards for new ones, one requirements being: "Only territory outside of cities and of school districts of 4,500 or more, which employ a superintendent of schools, shall be embraced in a supervisory district".

Sec. 2203. Each town included within a supervisory district has 2 school directors, elected in the town election.

Sec. 2204. All of such school directors, in a supervisory district, meeting at the direction of the Commissioner of Education, organize as a board and appoint a district superintendent of schools for the supervisory district. (This is their only function. Matter of Clyde S. Ryders, 1949, 70 St.Dept. 12)

Sec. 2215 defines the general powers and duties of a district superintendent, some of which are advisory and some directory:

Advisory

- sub.2. assemble ...teachers...for the purpose of
  - conference on courses of study
  - advice...on school management and other school work
  - promoting the general good of all the schools...
- sub3. hold meetings of trustees
  - to advise with them concerning their powers on physical maintenance of schools
  - "to especially advise" them on employment of teachers, adoption of textbooks and the purchase of library books, school apparatus, furniture and supplies.

Directory

- sub 4. direct trustees to alter or repair buildings ..if amount is not more than $400.
- sub 5. direct trustees to repair furniture, etc.,..if amount is not more than $200.

Some others

- sub 9. examine teachers, etc., as directed by Commissioner
- sub 10-12 hold hearings, etc., as directed by Commissioner
- sub 14. make investigations as directed by Commissioner

Sec. 2216: "A district superintendent shall be subject to such regulations and directions as the commissioner of education shall from time to time prescribe."

- - - - - -

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

Article 41, District Meetings

(some provisions concerning the function and powers of the electorate or voters of the district attending the district meetings have a bearing on AV programs, indirectly)

Sec. 2001.

1. Whenever any school district shall be formed....the district superintendent of schools... shall prepare a notice.... appointing a time and place for the first district meeting, and deliver such notice to a taxable inhabitant of the district.

2. It shall be the duty of such inhabitant to notify every other inhabitant of the district qualified to vote at the meeting, by delivering to him a copy of the notice of such meeting......

4. Every taxable inhabitant, to whom a notice of any district meeting shall be deliver for service...., who shall refuse or neglect to serve the same, shall forfeit five dollars....

Sec. 2011. Whenever any district meeting shall be duly called, it shall be the duty of the inhabitants qualified to vote thereat, to assemble at the time and place fixed for the meeting.

Sec. 2021. Powers of voters

The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present and voting: ....

7. To designate a site for a schoolhouse....

8. To vote a tax upon the taxable property of the district, to purchase, lease and improve such sites...or to build schoolhouses; to keep in repair and furnish the same with ....furniture and appurtenances, and to purchase such implements, apparatus and supplies as may be necessary to provide instruction in agriculture and other subjects........

9. To designate any former schoolhouse....as a public library...

10. To vote a tax, not exceeding twenty-five dollars in any one year, for the purchase of maps, globes, reproductions of standard works of art, blackboards and other school apparatus, and for the purchase of text-books and other school necessaries for the use of needy pupils of the district.

11. To vote a tax for the establishment of a school library and the maintenance thereof...and for the purchase of books therefor.....

Editorial notes under Sec. 2021

72. "no power is conferred by this section, or any other section of the Education Law, upon a district meeting to prescribe courses of instruction or to direct the board of education as to the courses of instruction which sahll be followed in the schools of the district......." Matter of White, 1925, 33 St.Dept. 229.

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

Article 41, District Meetings, continued...

Sec. 2022. After the presentation of the statement of estimate required by section sixteen hundred eight or section seventeen hundred sixteen of this chapter /Education Law/, a vote shall be taken upon the ~~authorization of the necessary taxes to meet the estimated expenditures~~ appropriation of the necessary funds to meet the estimated expenditures..... (as amended by L.1958, c. 571, Sec. 5, effective June 1, 1958.....See 1960 Cumulative Annual Pocket Part, Sec. 2022)

Sec. 2023. If the qualified voters shall neglect or refuse to vote the sum estimated necessary for teachers' salaries, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they sahll neglect or refuse to vote the sum estimated necessary for ordinary contingent expenses, the sole trustee, board of trustees, or board of education may levy a tax for the same, in like manner as if the same had been voted by the qualified voters. (As amended by L.1954, c. 208, Sec. 5, eff. March 24, 1954)

Editorial Note no. 13, in 1960 supplement:

This section does not require that District Board of Education levy a tax to raise a sum necessary for ordinary contingent expenses, at least so long as there remains time to resubmit a budget before, under applicable tax procedures, the tax must be levied. *Mullooly* v. *Union Free School Dist. No. 8, Town of Hempstead*, 1959, 20 Misc.2d 795, 190 N.Y.S.2d 809.

Sec. 2038. The provisions of part one of this article /i.e. Secs. 2001 through 2038, above/ shall apply to all school districts except as otherwise provided by article fifty three of this chapter / i.e. Article 53 of the Education Law, on election of officers in large districts/, and except to city school districts of cities with one hundred twenty-five thousand inhabitants or more.

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

Intermediate School Districts - Article 40 of Education Law

Although this article was added by L. 1948, c. 861, Sec. 2, effective April 6, 1948, and schedule of section was amended in 1953, apparently no action has been taken to organize under its provisions. In 1953 a declaration of policy of the legislature with reference to this whole article was stated in part as follows:

> "In order to improve educational opportunities in rural areas by overcoming handicaps...that arise from sparsity of population and from other causes and to provide an organization that will enable local school districts to combine their resources....it is hereby declared to be the policy of the state that present school districts, except city school districts, cooperate in order that additional services not now feasible or available may be provided for the children of the community. To such end new intermediate districts should be formed, consisting of combinations of such present school districts as in the judgment of the commissioner of education are of sufficient size, suitable geographically, and with sufficient pupil population and financial support to provide the additional services contemplated by this act."

Important. Perhaps the most important provision of this article, from the standpoint of suggesting procedures for other states in extending activities in the use of AV teaching aids, is found in Section 1958, entitled "Establishment of boards of cooperative educational services pending the creation of intermediate districts".

The Consolidated Laws of New York Annotated, Book 16, Education Law

Central High School Districts

~~Eachxcentral~~
Sec. 1901. Each central high school district shall have a board of education consisting of not less than 5 members, including at least 1 from each common school district and at least 2 from each union free school district composing the central high school district. These members are, in the case of common school districts, the sole trustee or one of the three trustees as selected by themselves; and in the case of the union free school district, two or more as determined at the State level by the Commissioner of Education, but selected by ~~thexboardx~~ such board from its own membership. Thus, all the persons so selected have membership in two governing organizations.

Sec. 1903. Powers of board of education ....
"The board of education of a central high school district shall have jurisdiction over the pupils residing therein who have completed the work of the sixth grade and shall have the same powers and duties in respect to the school therein as a board of education of a union free school district has.....in respect to the schools in such district. Except as otherwise provided in this article, the provisions of this chapter as to the courses of study, the qualifications and and employment of teachers, and the maintenance, conduct and supervision of public schools in union free school districts shall apply to a central high school district."

Pursuant to Sec. 1906 the board of education, at its annual meeting, shall present an estimate of expenditures required for the ensuing year, and the meeting shall vote the necessary taxes to meet such expenditures in the same manner as taxes are voted at a district meeting in a union free school district. Procedures for collecting, spending and accounting for are also the same. Under Sec. 1908 funds required for buildings and capital investment are apportioned among the component units of the high school district.

NEW YORK The Consolidated Laws of New York Annotated, Book 16, Education Law

Central School~~s~~ Districts

Sec. 1804 provides that each central school district shall be managed by a board of education consisting of 5, 7 or 9 members, and that each such board shall have the same powers and duties as boards of education in union free school districts /which in turn have all the powers and duties of trustees of common school districts, pursuant to Sec. 1710, not otherwise provided for and not inconsistent with the laws relating to union free school districts/

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

Union Free School Districts

Sec. 1701 makes the board of education of each union free school district a body corporate.

Pursuant to Secs. 1702, 1703 and 1704, each for a different type of district from the geographical standpoint, members of the board of education are elected at the annual meeting by a majority of the voters attending the meeting. The number of members is not stated, but apparently differs. Sec. 1705 provides for changing the number, the minimum being three and the maximum nine by a hearing on a petition, but if the number is increased the members are to be elected at the ensuing annual village election.

Under Sec. 1708, each board of education has the duty to meet regularly at least once each quarter, and to appoint one or more committees with the duty to visit schools under its supervision at least twice each quarter.

Sec. 1709. Powers and duties of boards of education

The said board of education of every union free school district shall have power, and it shall be its duty:

1. To adopt...by-laws and rules for its government...

2. To establish...rules and regulations concerning the order and discipline of the schools....necessary to secure the best educational results.

3. To prescribe the course of study...

4. To prescribe the text-books to be used....pursuant to the provisions of /the Education Law/, and to furnish them to the pupils...

5. to provide for instruction in required subjects...

6. ...to build schoolhouses...and "to purchase furniture and apparatus for such schoolhouses"....

10. to alter and equip for use as a public library any former schoolhouse....when duly authorized by the qualified voters....

12. to take and hold for the use of the said schools....any gift, legacy or annuity, of whatever kind, given or bequeathed to said board, and apply the same....according to the instructions.... of the donor or testator.

13. To have in all respects the superintendence, management and control of said union free schools.....

16. to contract with and employ....qualified teachers...

20. to raise by tax upon the porperty of the district any moneys required to pay the salary of teachers employed.

....

Sec. 1710. The board of education of a union free school district shall possess all the powers and privileges, and be subject to all the duties, which the trustees of common school districts possess or are subject to under / the Education Law/ not especially provided for in this article, and not inconsistent with...this article....

Sec. 1711 authorizes such a board in a district having a population of 4,500 or more to appoint a superintendent of schools and to prescribe his powers and duties.....

PART II - continued (39)

NEW YORK

Union Free School Districts, continued

Sec. 1716 requires the board of education to present at annual meetings, or at such special meetings as it may call, a budget for moneys required for school purposes, exclusive of "public moneys", with provisions for notice, etc. ....It is implied, but not stated, that voters attending the meeting must approve.

Sec. 1717 requires the corporate authorities of any incorporated village in which such a union free school district is established to raise by tax... such sum as the board of education....shall declare necessary for "teachers' salaries and the ordinary contingent expenses of supporting the schools" of the district....and the said corporate authorities "shall have no power to withhold the sums so declared to be necessary"...

NEW YORK

The Consolidated Laws of New York Annotated, Book 16, Education Law

Common School Districts

Sec. 1601. The sole trustee or the trustees of a common school district shall constitute a board for such district and such board is hereby created a body corporate.

Sec. 1602. The board has one or three trustees.

ses
Sec. 1605. A sole trustee posses/all the powers and is subject to all the duties, liabilities and penalties which the law imposes upon a board of three trustees.

Sec. 1604. It shall be the duty of the trustees of a common school district, and they shall have the power:

1. to call special meetings of the inhabitants of the district whenever necessary
3. to make out a tax-list of every district tax voted by a district.....
8. to contract with and employ as many legally qualified teachers as the schools of the district....to determine the rate of compensation and the term of the employment of each teacher...
9. to establish rules for the government and discipline of the schools of the district
10. to prescribe the courses of studies to be pursued in such schools....Provision shall be made to give instruction in subjects required by Article 17 of the Educ.Law (Sec. 801, patriotism, citizenship, and certain historic documents; Sec. 802, the flag, and holidays; Sec. 803, physical training and kindred subjects; Sec. 804, nature of alcoholic drinks; Sec. 804-a, nature and effects of narcotics and habit forming drugs; Sec. 806, highway safety and traffic regulations; Sec. 807, fire drills; Sec. 809, humane treatment of animals and birds; Sec. 810, arbor and wild life day)
12. to collect by district tax an amount sufficient to maintain school in the district for the current school year.....
18. to expend in the purchase of a dictionary, books, reproductions of standard works of art, maps, globes or other school apparatus.....a sum not exceeding fifty dollars in any one year, without a vote of the district.
29. to prescribe the text-books to be used in the schools, and to compel a uniformity in the use of the same, pursuant to provisions of the Education Law, and to furnish the same to pupils out of any moneys provided for that purpose.

Editorial Notes

There is no requirement that a board of education outside of cities seek bids or award the contract tothe lowest bidder. Matter of Goldin, 1933, 43 St. Dept. 308.

***

Sec. 1604, continued, subsection 30, added by N.Y.Laws 1956, c. 256, sec. 1, eff. April 3, 1956:

30. to hape in all respects the superintendence, management and control of the educational affairs of the district, and,therefore

shall have all the powers reasonably necessary to exercise powers granted expressly or by implication and to discharge duties imposed expressly or by implication by this chapter /Educ.Law/ or other statutes.

Editorial notes on Sec. 1604, continued:
A trustee of a school district has no authority to contract for the services of an unlicensed teacher, and an executory agreement engaging the services of such a person is invalid and not binding upon the school district. Blandon v. Moses, 1883, 29 Hun 606. See, also, Gillis v. Space, 1872, 63 Barb. 177.

Sec. 1619. The trustees shall let all contracts for public ~~and~~ work and all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section 103 of the general municipal law. (Added by L. 1953, c. 861, Sec. 13, eff. Sept. 1, 1953)

Sec. 1608. it is the duty of the trustees to present at the annual meeting a detailed statement in writing of the amount of money required for the ensuing year for school purposes...specifying the several purposes and the amount for each....

Sec. 1610 requires an accounting in writing at the annual meeting..

AV aid legislation and regulations

Section 123 of the Education Law exempts "current event" films from the requirement that a film owner must obtain from the Director of the Motion Picture Division of the Department of Education a license to exhibit his film, and pay a fee for its examination. It provides further that the Director shall issue a permit, without examination, to the owner of scientific and educational films, if the owner files an affidavit describing the film and stating that it is not to be shown at a private or public place of amusement. And last, it provides that the Director may, in his discretion, issue a permit for any motion picture film intended solely for educational, charitable or religious purposes, if the owner files the prescribed application with a sworn description of the film. No fee is charged for such a permit.

State: New York

Source of information unless otherwise stated: McKinney's Consolidated Laws of New York Annotated, Education, Parts 1, 2, and 3, with 1961 cumulative pocket parts.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 213. Extension of educational facilities

1. The regents may extend to the people at large increased educational opportunities and facilities, stimulate interest therein, recommend methods, designate suitable teachers and lecturers, conduct examinations and grant credentials, and otherwise organize, aid and conduct such work. And the regents, and with their approval the commissioner of education, may buy, sell, exchange and receive by will, or other gift, or on deposit, books, pictures, statuary or other sculptured work, lantern slides, apparatus, maps, globes, films, sound films, kinescopes, photographic recordings and any article or collections pertaining to or useful in and to any of the departments, divisions, schools, institutions, associations or other agencies, or work, under their supervision, or control, or encouragement, and may lend or deposit any such articles in their custody or control, when or where in their judgment compensating educational usefulness will result therefrom; and may also, from time to time, enter into contracts desirable for carrying into effect the foregoing provisions.

2. In carrying out the provisions of subdivision one of this section, the regents may: a. Contract with institutions in the university, school districts, boards of cooperative educational services or other non-profit educational agencies for the acquisition from such institutions, school districts, boards or agencies of sound films, kinescopes, audio recordings and video recordings, scripts, research reports or related educational television materials, for the use of the department, or for the production of educational television programs;

b. Lease, to school districts, boards of cooperative educational services or television corporations created pursuant to section two hundred thirty-six of this chapter, educational television facilities, including transmitters, micro-wave relay facilities, production centers, closed-circuit systems and any equipment necessary therefor, constructed or acquired, and owned by the state, leased by the state, or contract with such districts, boards of cooperative educational services or corporations for the operation of such facilities;

PART III - continued (2)

c. Lease and operate a television station in the city of New York.

3. For the purpose of carrying out the provisions of subdivision two of this section, the regents may make rules or authorize the commissioner to make regulations providing standards for research and experimentation, operation and programming of educational television by the state and the school districts, boards of cooperative educational services, institutions, corporations and agencies, respectively.

4. In carrying out the provisions of subdivisions one and two of this section and in order to encourage and stimulate the further development and use of educational television in the state of New York and for the purposes of providing educational services and facilities for pupils in the public schools of the state of New York, the board of regents is hereby authorized to make additional apportionments to school districts or boards of cooperative educational services in accordance with the provisions of this subdivision to encourage and assist such districts or boards to install and operate a broadcast or closed-circuit television system, or television receiving equipment for the improvement of classroom instruction.

a. Any school district or board of cooperative educational services planning to establish such a program shall submit to the commissioner of education on or before the first day of May of the school year preceding the school year during which the program is to be conducted an application, together with such information as the commissioner of education shall require, including at least a complete statement of purposes of the program, the detailed procedures of operation, a detailed estimate of the cost of such program and a complete description of the installation and equipment to be installed and the detailed procedures of evaluations to be used in determining the improvement of classroom instruction.

b. The commissioner of education shall establish procedures for evaluations of such programs. One such program for each school district or board of cooperative educational services may be approved by the commissioner of education, and any program so approved by the commissioner of education shall be placed on a list in accordance with the educational merit and value of the program, and the date of receipt of the application, where several programs are evaluated as having equal merit and value.

c. Apportionment shall then be made in accordance with the formula contained in paragraph d of this subdivision, in the order of such programs on the list established in accordance with paragraph b of this subdivision within the amount of the appropriation therefor.

d. Any district or board which proposes to install and operate a broadcast or closed-circuit television system or television receiving equipment for the improvement of classroom instruction, in accordance with a program approved as provided in this subdivision and to the extent that funds are available pursuant to this subdivision, shall be entitled to an apportionment during the five-year period following the approval of the program as follows;

Fifty per cent of the approved cost relative to the acquisition and installation of the equipment, and during the first year fifty per cent of the approved operational expenses in connection with the approved operation of the program; during the second year forty per cent of the approved operational expenses in connection with the approved operation of the program; during the third year thirty per cent of the approved operational expenses in connection with the approved operation of the program; during the fourth year twenty per cent of the approved operational expenses in connection with the approved operation of the program; and during the fifth year ten per cent of the approved operational expenses in connection with the approved operation of the program.

5. A school district or a board of cooperative educational services is hereby authorized and empowered to do and perform any and all acts necessary or convenient to enable it to carry out the provisions of this section.

Sec. 236. Educational television

1. The board of regents may incorporate any group, institution or association for the purpose of constructing, owning, operating or maintaining a nonprofit and noncommercial educational television station or for providing educational television programs, or for any combination of such purposes. Any such corporation shall be subject to all the provisions applicable to corporations created by the board of regents and, in addition, shall be subject to the provisions of this section.

2. The charter of any such corporation may be amended from time to time, suspended, or revoked, upon the regents' own motion, after notice and an opportunity to be heard, before the board of regents or a committee thereof or a hearing officer designated by the board of regents.

3. Each such corporation and all its operations and the powers and duties of its trustees and officers shall be subject to the general supervision and control of the board of regents and to such rules as the board of regents may adopt and promulgate from time to time with respect to such corporations.

4. The television programs developed and presented by such corporations shall consist of educational and cultural programs.

5. The appointment or election of any trustee of such corporation shall be subject to approval by the regents, whether such appointment or election be for a full term or the unexpired portion of a term.

6. The regents may remove any trustee, officer or employee of such corporation for misconduct, incapacity, wilful violation or neglect of duty under this chapter, or wilfully disobeying, or refusing to comply with, any order or rule of the regents. The hearing in the proceeding for the removal of any such person shall be had before the board of regents or a committee thereof or a hearing officer designated by the board of regents and such trustee, officer or employee shall be given at least ten days' notice of the time and place of such hearing.

PART III - continued (4)

7. The use of programs for partisan or political purposes or to influence the enactment of legislation, or the employment of persons found to have been members of organizations listed by the board of regents as subversive within the meaning of section three thousand twenty-two of this chapter and who continue membership in such organizations after listing by the board of regents or by any other authorized state or federal agency, or who would be ineligible for appointment to a public position because of section twelve-a of the civil service law, shall, in the discretion of the board of regents, be basis for termination of the corporate charter.

8. Each such corporation shall render a report to the board of regents not later than December thirty-first of each year upon such matters as the regents may require, and shall furnish such other reports and information from time to time as the regents may require.

Sec. 120. Motion picture division continued; organization

There shall continue to be in the education department a motion picture division. The head of such division shall be a director, who shall be appointed by the regents, upon the recommendation of the commissioner of education. The regents may consolidate such division with the division of visual instruction or may assign to the motion picture division the functions, powers and duties of other divisions, bureaus or officers in the department. The board of regents, upon the recommendation of the commissioner of education, shall appoint such officers and employees as may be needed and prescribe the powers and duties and, within the limits of the appropriations made therefor, fix the compensation of such director, officers and employees. All expenses actually and necessarily incurred in the performance of their duties shall be allowed to such director, officers and employees.

Sec. 121. Local offices and bureaus

The regents may authorize the establishment and maintenance of offices and bureaus for the reception and examination of films and for the transaction of the business of the division in such places as efficiency, economy and the public interests require.

Sec. 122. Licenses

The director of the division or, when authorized by the regents, the officers of a local office or bureau shall cause to be promptly examined every motion picture film submitted to them as herein required, and unless such film or a part thereof is obscene, indecent, immoral, inhuman, sacrilegious, or is of such a character that its exhibition would tend to corrupt morals or incite to crime, shall issue a license therefor. If such director or, when so authorized, such officer shall not license any film submitted, he shall furnish to the applicant therefor a written report of the reasons for his refusal and a description of each rejected part of a film not rejected in toto.

PART III - continued (5)

Sec. 123. Permits

1. "Current event" films. All films exclusively portraying current events or pictorial news of the day, commonly called news reels, or excerpts from the public press, may be exhibited without inspection and no permits or fees shall be required therefor.

2. Scientific and educational films. Such director or, when authorized, such officer shall issue a permit for every motion picture film of a strictly scientific character intended for use by the learned professions, without examination thereof, provided that the owner thereof, either personally or by his duly authorized attorney or representative, shall file the prescribed application which shall include a sworn description of the film and a statement that the film is not to be exhibited at any private or public place of amusement.

3. Such director or, when so authorized, such officer may, in his discretion, without examination thereof, issue a permit for any motion picture film intended solely for educational, charitable or religious purposes, or by any employer for the instruction or welfare of his employees, provided that the owner thereof, either personally or by his duly authorized attorney or representative, shall file the prescribed application, which shall include a sworn description of the film. No fee shall be charged for any such permit.

Sec. 305. General powers and duties

The commissioner of education is hereby charged with the following powers and duties:

.....

11. He is hereby authorized to furnish, by means of pictorial or graphic representations, additional facilities for instruction in geography, history, science and kindred subjects, to the schools, institutions and organizations under the supervision of the regents. Material collected for this purpose may, under regents' general rules, be lent for a limited time to responsible institutions and organizations for the behefit of artisans, mechanics, and other citizens of the several communities of the state. He may from time to time enter into contracts necessary for carrying out this provision.

Sec. 1604. Powers and duties of trustees

It shall be the duty of the trustees of a common school district, and they shall have the power:

.....

18. To expend in the purchase of a dictionary, books, reproductiont of standard works of art, maps, globes or other school apparatus, including implements, apparatus and supplies for instruction in agriculture, or for conducting athletic playgrounds and social center activities, a sum not exceeding fifty dollars in any one year, without a vote of the district.

State: New York

PART III - continued (6)

Sec. 2021. Powers of voters

The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present and voting:

.....

10. To vote a tax, not exceeding twenty-five dollars in any one year, for the purchase of maps, globes, reproductions of standard works of art, blackboards and other school apparatus and for the purchase of text-books and other school necessaries for the use of needy pupils of the district.

Sec. 2215. General powers and duties of district superintendent

A district superintendent of schools shall have power and it shall be his duty:

.....

3. To hold meetings of trustees and other school officers and to advise with and counsel them in relation to their powers and duties and particularly in relation to the repair, construction, heating, ventilating and lighting of schoolhouses and improving and adorning the school grounds. To especially advise trustees relative to the employment of teachers, the adoption of text-books and the purchase of library books, school apparatus, furniture and supplies.

Sec. 2503. Powers and duties of board of education

Subject to the provisions of this chapter, the board of education:

.....

7. Shall purchase and furnish such apparatus, maps, globes, books, furniture and other equipment and supplies as may be necessary for the proper and efficient management of the schools and other educational, social and recreational activities and interests under its management and control; and may, without authorization by the voters, provide textbooks or other supplies to all the children attending the schools of such city school district.

Sec. 2554. Powers and duties of board of education

Subject to the provisions of this chapter, the board of education in a city shall have the power and it shall be its duty:

.....

7. To purchase and furnish such apparatus, maps, globes, books, furniture and other equipment and supplies as may be necessary for the proper and efficient management of the schools and other educational, social and recreational activities and interests under its management and control. To provide textbooks or other supplies to all the children attending the schools of such cities in which free textbooks or other supplies were lawfully provided prior to June eighth, nineteen hundred seventeen.

State: New York

PART III - continued (7)

Part III of Fifty-sixth Annual Statistical Report of the Education Department, 1959, pp. 109-111:

Educational Television

In its role of providing leadership to school systems in the State to improve instruction, the Education Department has established the television programs described in Table 57.

The New York City program reaches pupils in several counties which are near the city. Consequently, the potential viewing audience consists of more than a million pupils. The table indicates that 884 schools in the New York City area are equipped to receive broadcasts.

Table 57

EDUCATIONAL TELEVISION

1958-59

Areas	Number of Schools Equipped with Receivers	Number of Receivers	Number of Pupils Viewing Broadcasts	Expenditures
Regents closed-circuit project Cortland, Virgil and Truxton	8	55	1,400	$ 100,000
Regents educational television project, New York City (WPIX)	884	2,096	304,920	360,000

State: New York

Source of information unless otherwise stated: McKinney's Consolidated Laws of New York Annotated, Education, Parts 1, 2, and 3 with 1961 cumulative pocket parts.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids
- (a) Secs. 213(5); 236; 120-132; 1604(18); 1710; 1804; 1903; 2215; 2503(7); 2554(7);
- (b) Secs. 1604(30); 1709(33); 1804; 1903; 2554(1), (13), (15a); 207; 305(2), (11); 101; Constitution, Sec. 2, Art. 11

Yes 3. Preparing curricula
- (a) Secs. 213(2a,b,c), (3), (4a,b); 236(1)
- (b) Secs. 1604(10); 1709(3); 1804; 1903; 2503(4c); 2554(11); 2508(3); 2566(3); 2554(11); 2215(2),(3)

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
- (a) Secs. 213(1),(2a,b,c,), (3),(4a); 236
- (b) Sec. 2215

Yes 5. Organizing AV units and cooperative activities
- (a) Sec. 236
- (b) Sec. 101; 1604(30); 1709(33); 1804; 1903; 2503(3); 2554(1, 13, 15a); 1711; 2508; 2566

Yes 6. Conferring on AV use outside of State educational structure
- (a) Secs. 213(2a,b,c), (4a); 236
- (b) Secs. 207; 201; 101; 305(1)

State: New York

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
  (a) Secs. 213(1, 2c, 3, 5); 236; 101; 305(11); 2021(10); 1604(18)
  (b) Secs. 207; 201; 305; 1604(3),(30); 1709(33); 1804; 1903; 2503(3), (13), (15a); 2554(1)

Yes 8. Selecting textbooks (and observing academic freedom)

  (b) Sec. 701

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

  See Topic 7 a + b

Yes 10. Financing acquisition by rent or purchase
  (a) Secs. 213(1),(2a),(4a,b,c,d),(5); 305(11);
  (b) Secs. 1608; 2022; 2201(10); 3501; 1604(3),(26); 3502; 3503; 3504; 3501; 3515; 2101; 3516; 2021; 1710; 1804; 1903; 1619; 103; 1709(29); 2516; 2517; 2518; 2521; 2522; 3516; 2576(1), (2),(3),(4),(5); 2576; Regulation of Com. of Ed. Sec. 205(3).

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
  (a) Secs. 213; 236; 305(11)
  (b) Sec. 2117

Yes 12. Distributing AV aids
  (a) Sec. 213(1), (2a), (2b); 101; 236; 305(11)
  (b) See general powers described in Topic 2

Yes 13. Producing AV aids
  (a) Secs. 213(2),(2c),(3),(4),(5); 236
  (b) See general powers described in Topic 2

Yes 14. Certificating teachers and AV professionals
  (b) Secs. 3001; 3004; 3006; 3008; 3009; 78; 79
  Regulations of Commissioner of Education

Yes 15. Prescribing qualifications of using personnel
  Same as for Topic 14 above.

State: Yes

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
(b) Secs. 207; 101; 305; 310; 311; 308; 306; 2117; 3601; 3604

Yes 17. Building or remodeling schools to facilitate AV use
(b) Secs. 2512; 2556; 3602; 408;
See Topic 2 above.

Yes 18. Federal aid to schools
(b) Sec. 3713

Yes 19. State aid to schools
(a) Secs. 213(1),(2c),(4); 236; 305(11)
(b) Secs. 3602; 3601; 3603(c)

Yes 20. Private aid to schools
(a) Sec. 213(1)
(b) Secs. 226(5); 236; 404; 3701; 3703; 3702

Yes 21. Library programs
(b) Secs. 108; 254; 255; 257; 259; 271; 272; 273; 274; 277

Regulations of Commissioner of Education, Sec. 109

Yes 22. Research programs
(a) Sec. 213(2),(3)
(b) Sec. 213

Yes 23. Institutes
(b) Regulations of Commissioner of Education, Secs. 118-145
Secs. 2215; 237; 1618

Yes 24. Other established procedures
(b) Secs. 1958(4); 213

PART IV - continued (4)

Topic 2 - Planning use of AV aids

(a) Specific

The Board of Regents, in exercising authority under Sec. 213, as amended in 1961, to extend educational opportunity, and to buy and otherwise acquire "pictures, statuary or other sculptured work, lantern slides, apparatus, maps, globes, films, phonographic recordings....." useful for schools and the educational organizations, must necessarily plan.

Under the same section it may

(a) contract with organizations in the broad educational structure to acquire "sound films, kinescopes, audio recordings and video recordings, scripts, research reports or related educational television material for use of the department [of Education], or for the production of educational television programs",

(b) lease to school districts and related educational organizations educational television facilities (as shown in the statutes quoted in Part III above),

(c) lease and operate a television station in the city of New York.

It also is authorized to make additional apportionment to schools to participate in this program.

In all of these functions and incidents thereto it does planning.

A school district which contemplates participation in the program does planning (that is, its board plans) and is required by subsec. 4a to submit its plan for a program to the Commissioner of Education, who also does planning.

Subsec. 5 of Sec. 213 is important in connection with planning as well as for its much wider import, with reference to units at the operating level:

"A school district or a board of cooperative educational services is hereby authorized and empowered to do and perform any and all acts necessary or convenient to enable it to carry out the provisions of this section."

Under Sec. 236 (quoted in Part III above) the Board of Regents is authorized to incorporate any group, institution, or association, to construct, own, operate or maintain a nonprofit and non-commercial TV station to provide educational TV programs, but any such corporation and all its operations are under the general supervision of the Board of Regents. Such a program involves planning on the part of this Board and on the part of any school district sponsoring such a corporation.

PART IV - continued (5)

Secs. 120-132 (referred to in Part III) relate to the Motion Picture Division in the Department of Education, one important duty of which is to censor films and issue licenses for their public display. These are administrative functions. However, Sec. 120 provides in part: ".....The Regents may consolidate such division with the division of visual instruction or may assign to the motion picture division the functions, powers and duties of other divisions, bureaus or officers in the department....." This contemplates at least the possibility of assigning to this division functions which would require planning the use of AV aids.

Sec. 1604(18) imposes a duty on the trustee or board of trustees of a common school district to purchase ".....reproductions of standard works of art, maps, globes or other school apparatus....." This would involve preliminary planning.

Sec. 1710 gives the powers and duties of trustees of a common school district under Sec. 1604 to the board of education of a union free school district; and the same powers and duties which this board of education has are given to the board of a central school district (Sec. 1804) and a central high school district (Sec. 1903), so that there would be planning by the board in all such school districts.

Under Sec. 2215 the district superintendent of a supervisory district composed of school districts of the classes mentioned above may assemble teachers to counsel them on school work, and may hold meetings with trustees and other school officers to advise them on the purchase of "school apparatus.....and supplies." He would thus participate in the planning of the several boards.

Under Sec. 2503(7) the board of education of a city with less than 125,000 inhabitants is authorized and required to purchase "such apparatus, maps, globes.....and other equipment and supplies as may be necessary....." Planning is implied here.

Under Sec. 2554(7) the board of education of a city with more than 125,000 inhabitants is authorized and required "to purchase and furnish such apparatus, maps, globes,.....and other equipment and supplies as may be necessary....." Planning is implied here.

(b) General

Planning the use of AV aids could be implied by the general powers of

Trustees of common school districts: "To have in all respects the superintendence, management and control of the educational affairs of the district, and, therefore, shall have all the powers reasonably necessary to exercise powers granted expressly or by implication and to discharge duties imposed expressly or by implication/subsec. 30 (added by L. 1956, ch. 256).
Sec. 1604

Boards of education of union free school districts: by Sec. 1709, subsec. 33 (added by L. 1956, ch. 256) identical in wording with Sec. 1604, subsec. 30.

Boards of education of (a) central school districts and of (b) central high school districts which by provisions of Sec. 1804 for (a), and of Sec. 1903 for (b), incorporate by reference all provisions concerning powers and duties of a union high school district. This would include Sec. 1709, subsec. 33, as referred to above.

Boards of education of cities with less than 125,000 inhabitants, by virtue of Sec. 2503, subsec. 3 which is identical with Sec. 1604(30) and Sec. 1709(33) supra.

Boards of education of cities with more than 125,000 have broader powers than some of the smaller school districts, but there is no statutory provision like that referred to above relating to them. However, a combination of several other provisions would give them the same general powers.

Sec. 2554 describes their powers and duties and reads in part as follows:

Subsec. 1: To perform any duty imposed upon boards of education or trustees of common school districts under this chapter or other statutes.....[with certain exceptions, not relevant here, concerning the insurance on schoolbuildings and contents in cases where title to school property is vested in a city].

Subsec. 13: To prescribe such regulations and by-laws as may be necessary to make effectual the provisions of this chapter and for the conduct of the proceedings of said board and the transaction of its business affairs, for the general management, operation, control, maintenance and discipline of the schools, and of all other educational, social or recreational activities and other interests under its charge or direction.

Subsec. 15(a): To perform such other duties and possess such other powers as may be required to administer the affairs placed under its control and management, to execute all powers vested in it, and to promote the best interests of the schools and other activities committed to its care.....

See People ex rel. Elkind v. Rosenblum (1945) 184 Misc. 916, 54 N.Y.S. 2d 295.....affirmed 295 N.Y. 929, 68 N.E. 2d 34, cited in annotations under Sec. 2554 with the following note:

"This chapter provides for complete system of public education and imposes on boards of education, as corporate bodies separate and apart from municipalities in which they exist, responsibility of maintaining and administering such system."

PART IV - continued (7)

The broad general powers of "The University of the State of New York" and the Regents, who are even authorized and directed under Sec. 207 to

> ".....exercise legislative functions concerning the educational system of the state, determine its educational policies, and, except, as to the judicial functions of the commissioner of education, establish rules for carrying into effect the laws and policies of the state, relating to education, and the functions, powers, duties and trusts conferred or charged upon the university and the education department....."

would certainly extend to planning for AV use as well as to many other related activities.

The Commissioner of Education also has ample power to participate in planning for the use of AV as well as for related activities, by virtue of his general powers under Sec. 305, some of which read as follows:

Subsec. 2. "He shall have general supervision over all schools and institutions which are subject to the provisions of this chapter, or of any statute relating to education, and shall cause the same to be examined and inspected, and shall advise and guide the school officers of all districts and cities of the state in relation to their duties and the general management of the schools under their control."

Subsec. 11. "He is hereby authorized to furnish, by means of pictorial or graphic representations, additional facilities for instruction in geography, history, science and kindred subjects, to the schools, institutions and organizations under the supervision of the regents....."

The Education Department also has ample power to participate in planning the use of AV and in related activities, by virtue of the general grant of powers in Sec. 101, which contains the following language:

"There shall continue to be in the state government an education department. The department is charged with the general management and supervision of all public schools and all of the educational work of the state, including the operations of The University of the State of New York and the exercise of all of the functions of the education department, of The University of the State of New York, of the regents of the university and of the commissioner of education and the performance of all their powers and duties, which were transferred to the education department...../by specific law cited/..... or shall have been prescribed by law...../before a date in 1927/.....and such functions, powers and duties shall continue to be vested in the education department.....and shall continue to be exercised and performed therein by or through the appropriate officer, sub-department, division or bureau thereof, together with such functions, powers and duties as hereafter may be conferred or imposed upon such department by law..... The head of the department shall continue to be the regents of The University of the State of New York, who shall appoint, and at pleasure may remove, the commissioner of education. The commissioner shall continue to be the chief administrative officer of the department..... The regents of The University of the State of New York shall continue to constitute a board and The University of the State of New York, which was continued under such name by section 2 of article 11 of the constitution, shall continue to be governed and all its corporate powers to be exercised by such board."

The Education Law of New York provides for operation of the public schools at the local level, of course, just as similar laws do in other States. But no other State provides in its laws such a sweeping range of power **as** that conferred by this statute (and other parts of the Education Law) upon the Education Department, the Regents as its head, the Commissioner of Education as its chief administrative officer, and The University of the State of New York as the corporate body acting through the Board of Regents. It is sometimes difficult, as explained in Part II above, to distinguish between the Education Department, The University of the State of New York, and The Board of Regents, since functions and powers are interlocked. But together they constitute a complex in which there is a huge concentration of power, which extends far beyond the elementary and secondary schools, State colleges, institutions and libraries, and which is unmatched by any similar organization in any other State.

Topic 3 - Preparing curricula

(a) Specific

Sec. 213, as amended (Pocket Part, 1961) relating to educational television implies powers to participate in preparing ETV supplements to curricula. (See Part III for full text).

Under subsec. 2(a) the Regents may contract with various organizations for AV material "for the use of the department, or for the production of educational television programs."

Under subsec. 2(b) the Regents may lease to school districts and other organizations educational television facilities.

Under subsec. 2(c) the Regents may "lease and operate a television station in the city of New York."

Under subsec. 3, for the purpose of implementing subsec. 2 above, the Regents "may make rules or authorize the commissioner to make regulations providing standards for.....programming of educational television by the state and the school districts....." and other organizations.

PART IV - continued (9)

Subsec. 4 authorizes additional allocations of State aid for ETV.

Under Subsec. 4a "any school district or board of cooperative educational services planning to establish such a [television] program [with State aid] shall submit to the commissioner of education an application, together with such information as the commissioner of education may require, including at least a complete statement of purposes of the program....." and other details.

Under subsec. 4b "The commissioner of education shall establish procedures for evaluations of such programs....." and may approve one such program for each school.

Thus both the Regents and the Commissioner are brought into the area affecting the preparation of curricula through their duties connected with proposed ETV programs and may therefore have at least an indirect voice in it. And they hold the purse strings.

Sec. 236, subsec. 1 (Pocket Part 1961) authorizing the Board of Regents to incorporate any organization for providing ETV programs prescribes that all corporations so formed shall be subject to provisions applicable to (other) corporations created by the Board of Regents. This implies a control which might extend to influencing the subject matter of broadcasts and thus the school curricula.

(b) General

In general, the power of prescribing the courses of study, which should extend to prescribing the nature of AV aids in the curriculum supplementing other instructional media, lies with the local board:

Common school district: Sec. 1604, subsec. 10

Union free school district: Sec. 1709, subsec. 3

Central school district: Sec. 1804, subsec. 1, incorporating
Sec. 1709, subsec. 3
Central high school district: Sec. 1903 incorporating Sec. 1709, subsec.3

City school districts (small); Sec. 2503, subsec. 4c

City school districts (large): Sec. 2554, subsec. 11

However, in city school districts (less than 125,000 inhabitants) the superintendent has the power and duty, under Sec. 2508, subsec. 3 "to prepare the content of each course of study authorized by the board" and to submit it to the board of education which must give its approval, under authority cited above, before such courses become operative. Similarly, in city school districts (more than 125,000 inhabitants) "the content of each course of study authorized by the board of education" is prepared by the superintendent or, in a city having a board of superintendents, by the board of superintendents, Sec. 2566, subsec. 3. This amounts to a recommendation, because the same subsection requires that the course of study as planned must be submitted for the approval of the city board of education, which gives it under authority of Sec. 2554, subsec. 11, whereupon the course becomes operative.

There is no corresponding power or duty lodged in the district superintendent of a superintendency district, comprising a number of smaller districts below city level. But in his essential character as representative of the Commissioner of Education, he is authorized under Sec. 2215 to confer with teachers "on the course of study" (subsec. 2), and to advise trustees and other school officers" in relation to their powers and duties" (subsec. 3). Thus, it is conceivable that he might influence preparation of the curriculum with or without reference to AV, even though he has no specific grant of authority for that purpose.

The general powers of the Board of Regents, the Education Department, and the Commissioner of Education to regulate and supervise, as described under Topic 2, might affect indirectly the preparation of curricula by the local boards.

Topic 4 - Advising subordinate units

(a) Specific

The broad program and provisions of Sec. 213 as amended (quoted in Part III above, and referred to under Topics 3 and 4 supra), imply that the Board of Regents in its activities, and the Commissioner of Education in his, have authority and sometimes the necessity to advise subordinate units on the AV programs contemplated by that statute. For instance under:

Subsec. 1, the Regents may recommend methods of utilizing AV equipment bought by them or the Commissioner of Education.

Subsec. 2(a), the Regents may contract with school districts and other organizations for the acquisition from them of various types of AV equipment, including TV for use of the department or production of ETV.

Subsec. 2(b), the Regents may lease to school districts and other organizations ETV facilities and equipment, or contract with them for the operation of such facilities.

Subsec. 2(c) the Regents may lease and operate an ETV station in New York City.

Subsec. 3, they may make rules or authorize the commissioner to make regulations concerning standards of ETV. (These might in some respects be advisory in nature.)

Subsec. 4, they may make additional apportionments to school districts to encourage development of ETV. (This could hardly be done without advising the districts.)

Under Subsec. 4a the Commissioner could hardly consider applications of school districts for suc h apportionment without advising them on ETV or proposed programs.

Sec. 236. In the process of incorporating any group or association for the purpose of owning or operating an ETV station (which could include an organization sponsored by a school district), the Board of Regents must give some advice.

(b) General

The broad general powers of the Board of Regents, The University of the State of New York, the Education Department, and the Commissioner of Education, described under Topic 2 above, would be ample to authorize them to advise subordinate units and teachers on the use of AV aids and to publish lists of materials available.

Even the district superintendent of a supervisory district would have authority for advising the teachers and districts under his jurisdiction by virtue of powers granted under Sec. 2215.

Topic 5 - Organizing AV units

(a) **Specific**

Under Sec. 236, the Board of Regents is authorized to incorporate any group, institution, or association to construct and operate an ETV station (see Topic 2 above).

(b) General

Under Sec. 101, the Education Department "is charged with the general management and supervision of all public schools and all of the educational work of the state.....and the exercise of all the functions of the education department, of the University of the State of New York, of the regents of the university and of the commissioner of education and the performance of all their powers and duties..... The head of the department shall continue to be the regents of The University of the State of New York....."

Obviously, the Department can create AV units at the State level or order their creation at local levels. The practice, however, has been to leave to local boards the control of operations of the schools. These local boards have ample authority through general powers granted to them, as described under Topic 2 above:

PART IV - continued (12)

(a) Common school districts, Sec. 1604, subsec. 30

(b) Union free school districts, Sec. 1709, subsec. 33

(c) Central school districts, Sec. 1804 incorporating Sec. 1709, subsec. 33
(d) Central high school districts, Sec. 1903 incorporating Sec. 1709, subsec. 33
(e) City school districts (with less than 125,000 inhabitants) Sec. 2503, subsec. 3
(f) City school districts (with more than 125,000 inhabitants) a combination of subsecs. 1, 13 and 15a of Sec. 2554.

The supervisory work of creating such units might be handled by a superintendent of schools under powers and duties assigned to him by the board of education of districts b, c and d listed above (Sec. 1711), or under general powers of the superintendent for cities under 125,000 (Sec. 2508) or cities over 125,000 (2566), but in all cases they would act under specific instructions or subject to the approval of the boards by virtue of powers reserved to them, as cited above.

Topic 6 - Conferring on AV use

(a) Specific

Conferring with persons or with organizations outside of the State educational structure concerning the use of AV is a natural and necessary incident of activities of the Board of Regents provided for in Secs. 213 and 236, the text of which appears in Part III above. For instance, under Sec. 213, subsec. 2a the Regents may contract with boards of cooperating educational services or other non-profit educational agencies for the acquisition from them of sound films, kinescopes, audio recordings and video recordings or related educational television materials for the use of the department, or for the production of educational television programs. Under subsec. 2b of the same section, the Regents may lease to boards of cooperative educational services or television corporations created pursuant to Sec. 236, educational television facilities, and various types of auxiliary facilities and equipment, or they may contract with such organizations for the operation of such facilities. Also under Sec. 213, subsec. 2c the Regents may lease and operate a television station in the city of New York. All of these activities are necessarily dependent upon a certain amount of conferring during, before, and after initiation of the undertaking described.

Under Sec. 213, subsec. 4a, a board of cooperative educational services which contemplates establishment of an educational television program is required to submit to the commissioner of education a plan of its proposed program and other information which may be required for approval of its application. This contemplates conferring. While the board of cooperative educational services referred to may be that which is provided for in Sec. 1958, to be established pending the creation of intermediate school districts -- none of which has yet been organized -- the description might perhaps cover citizens' groups organized to cooperate with school districts in the use of advanced teaching techniques, but not incorporated within the educational hierarchy itself. In any case there would necessarily be some conferring between the commissioner of education and any such organization.

Under Sec. 236, the board of regents is authorized to incorporate any group, institution or association for the purpose of constructing, owning, operating or maintaining a non-profit and non-commercial educational television station or for providing educational television programs, or for any combination of those purposes. A degree of conferring would be necessary before any such undertaking could be started. This statute further provides that any such corporation is subject to the general supervision and control of the board of regents, which might suggest occasion when further conferring might be necessary.

(b) General

In a sophisticated community like New York, with a powerful organizational complex of board of regents, The University of the State of New York, and education department, having pervasive authority exceeding that of any similar group of organizations in any State, it is to be expected that full advantage would be taken of every opportunity to confer with individuals and organizations outside of the educational heirarchy concerning the improved or increased use of AV teaching aids. The general authority of the board of regents is found in Sec. 207; that of The University of the State of New York in Sec. 201; and that of the education department in Sec. 101, as described under Topic 2 above. The commissioner of education, in executing all educational policies determined upon by the board of regents, Sec. 305, subsec. 1, would likewise have occasion for such conferring.

There is probably less occasion for such outside conferring at local operating levels, except in the process of buying school supplies from dealers, which hardly comes within the meaning of this category of activities. Such purchasing, of course, would be effected under the general authority of local boards, as described under Topic 2 above, or authority granted by them specifically to superintendents or purchasing agents.

Topic 7 - Selecting AV aids

(a) Specific

The Board of Regents would have authority to make final selection, or approve selections recommended by others, in the acquisition of simpler forms of AV aids, Sec. 213(1) as amended, and of more modern ones, Sec. 213(2), including a TV station in New York City, Sec. 213(2)(c), as amended.

PART IV - continued (14)

By establishing standards and authorizing the Commission to make regulations, Sec. 213(3), The Regents and the Commissioner could select by type if not by item.

On a large scale, the Regents, under Sec. 236, could select the organization seeking to establish a TV station and thus, indirectly, could select the station or facilities.

These powers, in varying degree, could also be used by the Education Department, which is authorized by Sec. 101, to exercise all powers of the other officials and organizations at the top state level in the organizational complex. The Commissioner of Education would do some selecting incidental to furnishing "pictorial and graphic" instructional aids, Sec. 305(11).

On the local level, school districts planning to establish an AV program under Sec. 213, are authorized by subsec. 5 to do all necessary acts for that purpose, which would include selecting.

The inhabitants of one of the smaller school districts below cities, entitled to vote a tax, not exceeding $25 in any year, for the purchase of maps, globes, and reproductions of standard works of art, Sec. 2021(10) might have a voice in selecting.

The authority of trustees of a common school district under Sec. 1604(18), which is extended to boards of education of other school districts as explained under Topic 2, to "purchase..... reproductions of standard works of art, maps, globes or other school apparatus....." would extend to selecting before purchase.

(b) General

The general authority of the Board of Regents, Sec. 207, The University of the State of New York, Sec. 201, the Education Department, Sec. 101, and the Commissioner of Education, Sec. 305, would extend to selecting any AV aids provided at the State level for use of the schools.

The general authority of trustees of common school districts, Sec. 1604(30) as amended, and of the board of education of union free school districts, Sec. 1709(33) as amended, extended by Sec. 1804 to the board of central school districts, and by Sec. 1903 to the board of central high school districts, could be easily construed to cover selecting AV aids.

The general authority of the board of education of a city school district (small) under Sec. 2503(3) or a city school district (large), under Sec. 2554, subsec. 1 (incorporating Sec. 1604(3), Sec. 1709(33) and Sec. 2503(3) supra), and subsecs. 13 and 15a, could also be construed to cover selecting AV aids.

PART IV - continued (15)

Topic 8 - Selecting textbooks

(b) General - Sec. 701, on textbooks reads as follows:

"1. In the several cities and school districts of the state, boards of education, trustees or such body or officers as perform the functions of such boards, shall designate text-books to be used in schools under their charge.

"2. In the several cities and school districts of the state, boards of education, trustees or other school authorities may purchase text-books and supplies and either rent or sell the same to the pupils attending the public schools in such cities and school districts upon such terms and under such rules and regulations as may be prescribed by such boards of education, trustees or other school authorities." (as amended, L. 1950, ch. 239. Section is from Education Law 1910.....similar to Education Law 1909 derived from laws of 1894 and 1877).

Topic 9 - Acquiring AV aids

(a) Specific - same as authority for selecting explained under Topic 7, which is based upon authority to acquire.

(b) General - same as authority for selecting explained under Topic 7, which is based upon authority to acquire.

Topic 10 - Financing acquisition

(a) Specific - State appropriations would be used by the Board of Regents, or the Education Department acting for it, in the purchase of AV aids, under Sec. 213(1), in acquiring by contract more sophisticated AV, Sec. 213(2a), and also, at least in part, in leasing a TV station for New York City. Under 213(4) this Board is authorized to make additional allocation of State funds to districts wishing to participate in ETV programs under procedures administered by the Commissioner of Education (subsec. 4a, b, c), and a formula (subsec. 4d) providing for 5 years support, beginning with 50% of costs in the first year and decreasing by steps to 10% in the fifth year.

If a school district needed any special authority to spend local funds for such ETV programs (which, it is believed, is not the case), it would be supplied by the general powers granted in Sec. 213(5), "to do and perform any and all acts necessary" for such programs.

The Commissioner of Education, in furnishing "pictorial or graphic representations" for instruction, Sec. 305(11), would spend State funds.

State aid to schools, discussed under Topic 19 below, would provide funds some of which might be used for purchase or rent of AV aids, but there is no further statutory provision indicating this specifically.

(b) General

The financing for AV aids, except as indicated above, would be with funds derived from local taxation.

Common school districts. Sec. 1608: At the annual school meeting, the trustees present a statement, in writing, of the amount of money required for the ensuing year for tax purposes. Sec. 2022: The inhabitants entitled to vote and attending the meeting vote on the estimate, and under Sec. 2021 may vote a tax for the estimate and a number of specific items, including a maximum of $25 for the purchase of maps, globes, reproductions of works of art and "other school apparatus" (subsec. 10) as referred to in Topic 7, evidently in excess of the estimate of the trustees. Sec. 3501: After a tax has been voted by the district meeting, the trustees shall assess it and make out a tax list (also Sec. 1604, subsec. 3), on real property (Sec. 3502) according to valuations on the last assessment-roll (Sec. 3503) or as determined by them (Sec. 3504). The trustees attach to their tax list a warrant for collection (Sec. 3501) which is delivered to the collector (Sec. 3515), who is a school official (Sec. 2101), and who collects the tax (Sec. 3516). There is no veto in this process except that exercised by the voters under Secs. 2021 and 2022 at the annual meeting.

Union free school districts. The same procedure is followed by the board of education under Sec. 1710 incorporating by reference the powers of trustees of common school districts. The same procedure is also followed by central school districts (Sec. 1804) and central high school districts (Sec. 1903) incorporating the powers of a union free school district. Other sections referred to in the preceding paragraph refer to "boards of education" which includes the boards of these three types.

A district superintendent of a superintendency district (who is really a local representative of the Commissioner of Education) does not participate in the local taxing process of such school districts under his jurisdiction.

Under Sec. 1619 trustees of a common school district are required to let all contracts for public work and all purchase contracts to the lowest responsible bidder after advertisement for bids, when so required by Sec. 103 of the general municipal law. This requirement applies also to other districts by incorporation of these provisions by reference, as explained above.

Regulations of the Commissioner of Education, 1959, Sec. 205, subsec. 3 provides for petty cash funds in school districts, but the limits are very low:

b. in districts employing less than 8 teachers - $5.00 (principal, teacher, or clerk to be authorized by board)

c. any other - $100.00 (superintendent, principal, or clerk, to be authorized by board).

All boards, of course, are required by other legislation to control the disbursement of all school funds.

Sec. 1604(26) authorizes trustees of common school districts to establish a petty cash fund in accordance with regulations of the Commissioner, and Sec. 1709(29) extends the same authority to the board of a union free school district. By incorporation by reference, these powers are conferred upon other types of school districts, as explained under Topic 2 above.

City School Districts, less than 125,000

Under Sec. 2516, the board of education is required to prepare a detailed tentative budget in the form prescribed by the Commissioner of Education. Public hearings on it are held, Sec. 2517, it is revised thereafter if necessary, Sec. 2518, and then, as revised, it is formally adopted by resolution of the board and published in a newspaper with a statement of the amount of taxes to be raised. While there is some flexibility in handling funds in "surplus revenues", Sec. 2521, the allocations established by the budget are apparently frozen, Sec. 2522. Assessment with tax list and warrant (Sec. 3501) on real property (Sec. 3502) as previously valued (Sec. 3503) or as determined by the board (Sec. 3504) proceeds as with smaller districts, supra, and the Collector collects (Sec. 3516).

City School Districts, 125,000 or more
(New York, Buffalo, Rochester, Syracuse, Yonkers, and Albany)

Procedures for boards of education in these cities differ from those for boards in smaller cities and other school districts. They also differ among themselves in some details, which can be omitted, however, from this discussion. Sec. 2576 prescribes all these procedures.

In all these cities except New York the board of education is required to prepare an itemized estimate of school requirements, subsec. 1, less the anticipated apportionment of school funds from the state, and file the estimate with the local board of estimates or city fiscal officials, subsec. 2 for Albany, Syracuse, and Yonkers, subsec. 3 for Rochester, and subsec. 4 for Buffalo. At that point there are some minor procedural differences, but in each case the board of estimates or comparable officials consider the requirements along with requirements for the several department of the city and have authority to change amounts and items. Thus there is veto power over school funds by city officials. Formal adoption, assessment of taxes, and collection are accomplished through the machinery of the city government.

In New York City, subsec. 5, the procedure is essentially the same, requiring the board of education to submit an itemized estimate to the board of estimate; but if the amount requested is less than an amount equivalent to a tax of 4.9 mills on taxable real property, then the board of estimates has no veto power. Otherwise, it has veto power as to any excess. It may also increase amounts. Other procedures follow as above described.

Apparently allocations in estimates finally approved are frozen, but provision is made in Sec. 2576 for supplemental estimates and requests.

Topic 11 - Regulating use

(a) Specific

The Board of Regents can regulate the use of AV aids under Sec. 213 as amended through exercise of its contractual authority incidental to TV and other programs. More specifically, it may make rules or authorize the Commissioner to make regulations concerning the ETV program.

Under Sec. 236, for incorporation of groups to operate or otherwise deal with an ETV program, the Board of Regents exercises control over such corporations.

Under Sec. 305(11) the Commissioner could regulate, by withholding or giving, pictorial and graphic aids.

(b) General

The general powers of the several officials and organizations at the State level, as described in Topic 2, would extend to regulating the use of AV aids.

Specifically, Sec. 2117, requires school authorities of each school district to make such reports to the Commissioner of Education as he may require.

Otherwise the general powers of boards of trustees or boards of education, as described under Topic 2, would provide for local regulations and statistical or other recording of activities.

Topic 12 - Distributing AV aids

(a) Specific

Under Sec. 213(1) as amended the Board of Regents (also Education Department by extension of authority in Sec. 101), and, with their approval, the Commissioner of Education, may lend to or deposit with schools any of the various items of AV equipment acquired by purchase or otherwise under this statute.

The Board of Regents (which means also the Education Department, Sec. 101) may acquire by contract various types of equipment, material, and services connected with ETV, Sec. 213 (2a), and, under subsec. 2b, lease them to school districts, boards of cooperative educational services or ETV corporations created under Sec. 236. Also this Board may lease and operate a TV station in New York City.

Under Sec. 305(11) the Commissioner is authorized to "furnish" - which implies distribute - pictorial and graphic aids to schools.

All of these provisions relate to distributing. No provisions are found in statutes or regulations describing the details of a distribution procedure, but the authority of Sec. 213 as amended covers all conceivable types of AV aids and implies a plan of distribution.

(b) General

The general powers at the State level, as described in Topic 2, would provide for distributing to districts.

The general powers of local boards, as described in Topic 2, would provide for distributing to schools in each district.

Topic 13 - Producing AV aids

(a) Specific - Under Sec. 213(2) as amended the Board of Regents may contract with

institutions in the "university"
school districts
boards of cooperative educational services
other non-profit educational agencies

for the acquisition from them (and presumably, in some cases at least, the production by them) of

sound films
kinescopes
audio records
video recordings (i.e. motion pictures, slides, filmstrips, etc.)
scripts
research reports
related educational television materials

for the "use" of the Education Department or the "production" of educational television programs.

Production of ETV might be carried on under this section, and in conjunction with the broad general powers at the State level described, under Topic 2 above, by the Board of Regents or the Education Department, or by The University of the State of New York comprising all educational institutions and activities in the State.

More specifically Sec. 213(2c) authorizes the Board of Regents to lease and operate a television station in New York City, which means produce a program.

PART IV - continued (18)

Under Sec. 213(3) rules and regulations are authorized for standards to be observed in various activities, including the operation and programming of ETV by the State, school districts, and other organizations, that is, in production activities.

Sec. 213(4) provides in its several subsections for a procedure to be followed in making allocations of funds to school districts or boards of cooperative educational services to encourage and assist them "to install and operate a broadcast or closed-circuit television system.....". This contemplates production. Subsection 5 of the same section authorizes these organizations to "do and perform any and all acts necessary" to carry out this program. It is contemplated by the law that they produce.

Sec. 236 authorizes the Board of Regents to incorporate various organizations to produce ETV.

(b) General

With all of this specific authority, it would not be necessary to resort to general powers for implied authority to produce. But if this were necessary the broad general powers at the State and the local levels, as described under Topic 2 should be sufficient.

Topic 14 - Certificating teachers

(b) General

Sec. 3001 provides that no person shall be employed to teach who is under 18, not a citizen, and not in possession of a teacher's certificate or not a graduate of a teacher's course in a state college or state teachers college. Sec. 3009 makes it unlawful to use any school funds for payment of the salary of an unqualified teacher.

Sec. 3004. "The commissioner of education shall prescribe, subject to approval by the regents, regulations governing the examination and certification of teachers employed in all public schools....."

Sec. 3006: "The commissioner of education may issue:

"1. A life state certificate upon examinations only.....

"2. Such other certificates as regents' general rules shall prescribe

"3. A temporary license limited to a school district, supervisory district or city for a period not to exceed one year....."

Sec. 3008: "A district superintendent, a city superintendent of schools or other such authority of a city school district as may be designated by law may issue such certificates as may be authorized by law or by the regents' general rules."

PART IV - continued (19)

Rules of the Board of Regents, 1954 (the latest available for this study), contain provisions on teachers' certificates. Sec. 78 provides for three classes: administrative and supervisory service, classroom teaching service, school service. In addition the Commissioner may issue temporary certificates up to 1 year. Sec. 79 reads: "Local school authorities may require for any teaching position a professional or academic standard higher than that prescribed by the commissioner."

Regulations of the Commissioner of Education, 1959 (the latest available), issued under authority of the Board of Regents, contains 48 pages of regulations on teachers' certificates for general and specialized teaching and supervision. No reference is made to training for AV activities, but in practice recurrent provisions requiring holders of permanent certificates to complete "in-service study and training", described in general terms, could be interpreted to include training in the use of AV aids. There is nothing else relevant.

Topic 15 - Prescribing qualifications

Same as Topic 14 above.

Topic 16 - Accrediting schools

(a) Specific

There is no specific legislation indicating that the accreditation of schools is dependent in any degree upon the use of AV equipment.

(b) General

There is no system in New York called "accreditation". However, the objectives of an accreditation system are achieved otherwise, through enforcement of a widespread regulatory system, under the legislative powers of the Board of Regents, Sec. 207, the pervasive powers of the Education Department, Sec. 101, the supervisory powers of the Commissioner of Education, Sec. 305, his judicial power in hearings, Sec. 311, or on appeal, Sec. 310, his power to institute proceedings for the enforcement of school laws and regulations, Sec. 308, to remove school officers for violations, Sec. 306, or to withhold public money from districts wilfully disobeying provisions of law, decisions, orders or regulations, ibid., subsec. 2. Provisions requiring all school authorities to make reports to the Commissioner as required by him, Sec. 2117, establish a convenient instrumentality for supplementing other procedures in the enforcement of approved standards. The Commissioner makes the allocations of State funds, Sec. 3601, and may withhold in case of non compliance the laws and regulations, Sec. 3604.

PART IV - continued (20)

Topic 17 - Building or remodeling schools to facilitate AV use

(a) Specific

There are no specific provisions relating to this subject.

(b) General

The sections conferring extensive powers upon boards of trustees and boards of education in smaller types of school districts, as described under Topic 2 above, provide specific authority to erect or remodel school buildings. Sec. 2512 provides such authority for city school districts with less than 125,000, and Sec. 2556 for such districts with more than 125,000 inhabitants. Both of latter sections provide for reference of building plans and finances to local city officials.

The State aids school districts in erecting and repairing school buildings by apportionment of public moneys, Sec. 3602 as amended, et seq.

But in all cases, approval of the Commissioner of Education of plans and specifications must be obtained, Sec. 408. His authority in this respect could be exercised by requiring standards in buildings to facilitate the use of AV. Such standards may now be used in practice, but they are not reflected in Regulations of the Commissioner of Education, 1959, Secs. 165-168, comprising Article XX, "School Buildings and Grounds".

Topic 18 - Federal aid

(a) Specific - none on AV.

(b) General

Sec. 3713: "1. The state, any school district or its trustees or board of education is hereby authorized and empowered to accept the provisions of any law of the United States making appropriations for the purpose of defraying the cost of providing the public education, the cost of planning and constructing public school facilities or any other educational purpose.

"2. The commissioner of education, hereby designated as the state educational agency, is authorized and empowered to cooperate with such agency as the federal government shall designate to carry out the provisions of such law.

"3. The commissioner of taxation and finance is appointed as custodian of all money given to the state by the United States under authority of such law, and such money shall be paid out in the manner provided by such act for the purposes therein specified." (Added L. 1951, c. 779, eff. April 12, 1951).

Topic 19 - State aid to schools

(a) Specific

State aid to schools for AV equipment and services is provided for in Sec. 213, as amended, quoted in Part III and fully described above. It consists not only in purchasing various items of equipment, Sec. 213, subsec. 1, or letting contract for their production, Sec. 213, subsec. 2, and leasing them to schools, but also in providing additional funds for use in developing educational television at the local level, Sec. 213, subsec. 4, and operating a TV station for New York City schools, Sec. 213, subsec. 2(c). Power of decision is in the Board of Regents, or acting for it, under Sec. 101, the Education Department.

The provision for incorporating organizations for the production of ETV, Sec. 236, also constitutes aid. The Board of Regents has this power.

The act of the Commissioner of Education in furnishing pictorial and graphic teaching aids to schools, Sec. 305(11) is also State aid.

(b) General

An extensive program for State aid to schools is provided in Sec. 3602, as amended, and in following sections, in Article 73 entitled Apportionment of Public Moneys, comprising over 70 pages. The Commissioner does the apportioning, Sec. 3601, according to a number of formulas provided in different sections for different circumstances, some of which relate to adjustments required by the active program of reorganizing school districts and new construction. Principal funds are apportioned for the "basic program", which means "the acceptable minimum educational program to be supported from both state and local sources", Sec. 3602, but there is also provision for "equalization", with elaborate formulas for computing amounts to be apportioned for this purpose, ibid., et seq. Special provision is made for emergency school building requirements, Sec. 3603-c, as amended. The nature of the several formulas provided for different programs, and assessment of valuations of property, indicate a very close integration of the State and the local programs and functional efficiency in administrative practices, with concentration of financial power at the State level.

Apparently the issuance of bonds for school support, both at the State and the local levels, is handled through the political machinery of government, not through educational organizations as in some States.

Topic 20- Private aid to schools

(a) Specific

The only legislation on this subject relating specifically to AV aids is found in Sec. 213(1), which empowers the Regents to "receive by will, or other gift, or on deposit" various types of AV equipment, as previously described.

PART IV - continued (22)

(b) General

There are several provisions relating to gifts to colleges or vocational teaching organizations not within the scope of this study. Sec. 226 is a general statute intended, no doubt, for primary application to organizations for higher learning, which has a provision concerning gifts, in Subsec. 5, that could be extended to organizations incorporated by the Regents under Sec. 236 for the production of ETV. Pertinent parts read as follows: "Sec. 226. The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may: ..... 5. Property holding. Take and hold by gift, grant, devise or bequest in their own right or in trust for any purpose comprised in the objects of the corporation, such additional real and personal property, beyond such as shall be authorized by their charter or by special or general statute, as the regents shall authorize....."

Sec. 404 provides in part: "Real property may be acquired in any school district and in any city having less than seventy thousand inhabitants, for school purposes and for any other purpose for which such property may be acquired as provided in this chapter, as follows: 1. By gift, grant, devise or purchase. 2. By condemnation....."

Sec. 3701 reads: "Real and personal estate may be granted, conveyed, devised, bequeathed and given in trust and in perpetuity or otherwise, to the state, or to the regents or to the commissioner of education for the support or benefit of the public schools, within the state, or within any part or portion of it, or of any particular public schools within it; and to any county, or the district superintendents of any county, or to any city or any board of officers thereof, or to any supervisory district or its superintendent, or to any town, or supervisor of a town, or to any school district or its trustees or board of education, for the support and benefit of public schools within such county, city, supervisory district, town or school district, or within any part or portion thereof respectively, or for the support and benefit of any particular public schools therein. No such grant, conveyance, devise or bequest shall be held void for the want of a named or competent trustee or donee, but where no trustee or donee, or an incompetent one is name, the title and trust shall vest in the people of the state, subject to its acceptance by the legislature, but such acceptance shall be presumed."

This, of course, is very extensive. But report of such trusts must be made to the Commissioner of Education, Sec. 3703, and the Legislature may control and regulate the execution of all such trusts, Sec. 3702.

Provision is made also for gifts to libraries, infra, Topic 21.

PART IV - continued (23)

Topic 21 - Library programs

(b) General

A statewide library system (as well as a museum program, not relevant here), is integrated into the broad educational program of New York. Sec. 108: "The state education building shall be occupied exclusively by the education department, including the university, with the state library, the state museum, and its other divisions and bureaus, together with such other work with which the commissioner of education and the regents have official relations, as the regents may, in their discretion, provide for therein, and such building and the offices of such department shall be maintained at state expense under the charge and care of such department." (emphasis supplied)

Sections 245-280 relate to the State Library, State medical library, State law library, other libraries owned by the State, public and association libraries and museums, county, city, and school libraries, their creation, maintenance, support, participation in State aid, control and regulation.

Sec. 254: "The regents shall have power to fix standards of library service for every free association or public library which receives any portion of the moneys appropriated by the state to aid such libraries, or which is supported in whole or in part by tax levied by any municipality or district. If any such free association or public library shall fail to comply with the regent requirements, such library shall not receive any portion of the moneys appropriated by the state for free libraries nor shall any tax be levied by any municipality or district for the support in whole or in part of such library."

Sec. 255 provides that by a majority vote at any election, or at a meeting of the electors duly held, any county, city, village, town, school district or other body authorized to levy and collect taxes, or by appropriate action of certain municipal authorities names, "may individually or jointly establish a public library with or without branches, and may raise money by tax to equip and maintain such library or libraries or to provide a building or rooms for its or their use....." Sec. 259 provides that any of the authorities named above may vote taxes for library purposes, in addition to other taxes. Sec. 257 provides that by a similar voting procedure these authorities "may accept gifts, grants, devises or bequests for library purposes....." (emphasis supplied).

Sec. 271 provides for apportionment by the Regents of moneys appropriated by the Legislature for library aid. Sec. 272 describes conditions under which counties and certain cities are entitled to library aid upon approval of their library program by the Commissioner of Education, and Sec. 273 provides a formula for apportionment of State aid upon approval of the program by the Commissioner.

Sec. 274, dealing with school libraries, reads in part as follows: "The school library shall be a part of the school equipment and shall be kept in the school building at all times. Such library shall be devoted to the exclusive use of the school, except as otherwise provided by the rules of the commissioner of education and except in a district where there is no free library, in which case such school library shall be a circulating library for the use of the residents of the districts. The commissioner of education shall prescribe rules regulating - 1. The purchase, recording, safekeeping and loaning of books in school libraries, and the use of such books by pupils and teachers in the public schools....." and various other activities. Sec. 277: "Each city and school district in the state is hereby authorized to raise moneys by tax in the same manner as other school moneys are raised, or to receive moneys by gift or devise, for starting, extending or caring for the school library."

Regulations of the Commissioner of Education, 1959, contains a number of sections relating to different kinds of libraries. Sec. 109 requires each school to establish and maintain a school library and provides standards for such libraries in different kinds of schools. There are also provisions in Sec. 26 of the Regulations for adequate library facilities in teacher-training programs.

None of these statutes or regulations mentions AV materials, but, as in many other States, it is highly probable that the extensive library program described provides films and other AV materials as well as books.

Topic 22 - Research programs

(a) Specific

Sec. 213, relating to various AV aids, including ETV, provides in Subsec. 2 that the Regents may contract with various organizations for the acquisition of ".....research reports or related educational television materials....." Supplementing this and other provisions concerning AV materials and activities, subsec. 3 provides:

"3. For the purpose of carrying out the provisions of subdivision two of this section, the regents may make rules or authorize the commissioner to make regulations providing *standards for research and experimentation*, operation and programming of educational television *by the state* and the *school districts*, *boards of cooperative educational services*, *institutions*, *corporations* and *agencies*, respecitively" (emphasis supplied).

(b) General

A whole research program relating to various types of AV aids is provided by Sec. 213, as amended, as described above. But if that were not sufficient the general powers at both the State and local levels, as described under Topic 2, could be construed to include authority for this.

PART IV - continued (25)

Topic 23 - Institutes

(b) General

The Education Law of New York does not contain provisions relating to regular and periodic meetings of school teachers or other school officials called "Institutes", as found in the legislation of many other States. However, the objective of such "Institutes", namely keeping teachers up to date on teaching techniques and subject matter, is achieved by requirements for "in-service study and training" contained in numerous regulations for holders of permanent and other teachers' certificates in Regulations of the Commissioner of Education, 1959, Secs. 118-145. The nearest approach to legislation on this subject found in other States is a provision in the Education Law, Sec. 2215, authorizing and directing a district superintendent of a supervisory district ".....2. To assemble all the teachers of his district by towns or otherwise, for the purpose of conference on the course of study, for reports of and advice and counsel in relation to discipline, school management and other school work, and for promoting the general good of all the schools of the district....."

Another approach to this subject is found in Sec. 237 relating to the registration of teachers' organizations with the Board of Regents, which requires periodic reports and exercise other controls. Such organizations are those which consist of employees of an institution under supervision of The University of the State of New York, are not separately incorporated, and have as primary purpose the promotion of education and the advancement of the teaching profession.

Sec. 1618, somewhat similar, in general purpose, provides:

"The trustee, trustees or board of education of any school district may determine to expend and raise by taxation annually such sums as may be required toward defraying the actual and necessary expenses of maintaining and continuing the New York State School Boards Association, Inc., and any of its activities in this state for the purpose of devising practical ways and means for obtaining greater economy and efficiency in the administration of school district affairs and projects." (emphasis added)

Topic 24 - Other established procedures

(b) General

Part II above refers to provisions for "Intermediate School Districts", none of which has yet been organized, as indicated by Hageny, op. cit. Sec. 1958, as amended in 1961, provides for another organization to function during a transitional period pending the creation of such intermediate districts. It is called a Board of Cooperative Educational Services, ibid. Some such organizations may already have been formed, but in any case the provisions relating to them could serve as useful models for legislation in other States designed to promote efficiency in the operation of schools, in general, but especially the use of AV aids. This is one of the organizations referred to in Sec. 213, as amended, and authorized along with school districts and other organizations to participate in various activities relating to the development and operation of ETV and to receive State aid for that purpose.

The creation of a Board of Cooperative Educational Services must be approved and authorized by the Commissioner of Education following a petition addressed to him for that purpose by the school directors (see Part I for limited function), boards of education and school trustees of one or supervisory districts. These officials, when authorization is given, elect a representative 5-man board, the members of which serve for 5 years in staggered tenure. The district superintendent of the supervisory district serves, ex officio, as executive officer. Some of the powers and duties of such a board of cooperative educational services, provided in Sec. 1958, subsec. 4, as amended, are as follows:

"c. Make or cause to be made surveys to determine the need for cooperative educational services in the supervisory district and present the findings of their surveys to local school authorities.....

"d. At the request of component school districts, and with the approval of the commissioner of education, provide any of the following services on a cooperative basis.....school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, vocational subjects, guidance counselors, operation of special classes for the physically handicapped and mentally retarded;.....and such other services as the commissioner of education may approve.....The board of cooperative services shall submit its program to the [education] department for approval.....

"e. Upon the recommendation of the district superintendent, employ such administrative assistants, teachers, supervisors, clerical help and other personnel as may be necessary to carry out its program.

"f. Receive all reimbursements from public funds on account of the cooperative educational services performed under its jurisdicition, and allocate the costs of cooperative educational activities and shared services including administrative and clerical costs against the component school districts and receive and disburse the same.....

"p. To rent suitable class rooms, offices or buildings in which to maintain and conduct such cooperative educational services and administrative offices when necessary and to equip and furnish such class rooms, offices or buildings in a suitable manner for such purposes....."

State: New York

PART IV - continued (26)

There are numerous other provisions - some of a procedural nature, some relating to taxes and State aid, and one creating such a board a body corporate.

This suggests a formula which might easily be followed in a number of states for the sharing of AV equipment, facilities, and services.

North Carolina (1959-60)

Enrollment in full-time public schools:	
Elementary	844,346
High School	261,066
Number of school districts (including non-operating)	174
Number of elementary schools	2,019
Number of high schools (including junior high)	900
Expenditure per pupil in average daily attendance	$240

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

North Carolina

County and Independent School Superintendencies

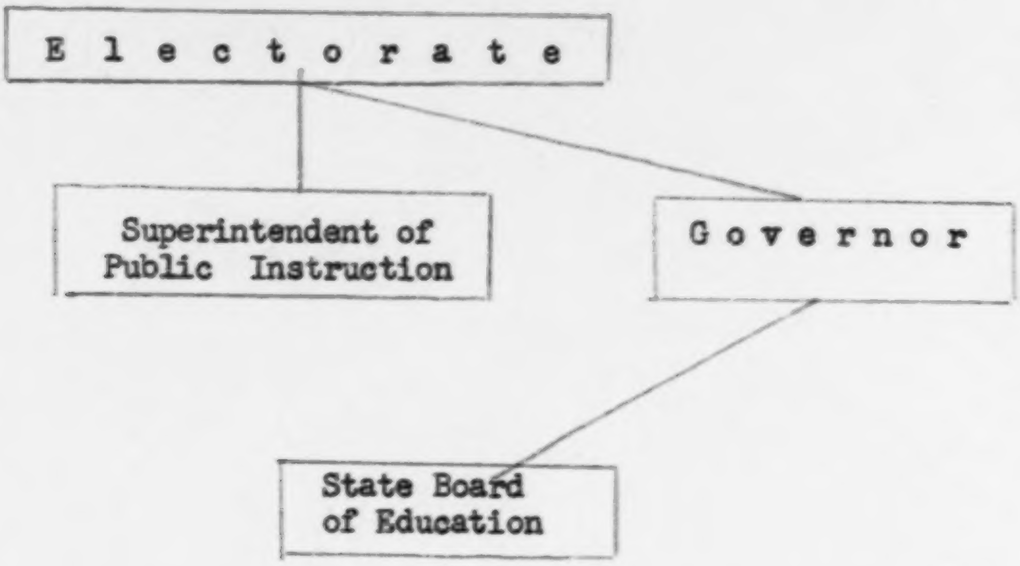
There are 173 school superintendencies in the State, including 49 complete county-unit and 51 partial county-unit superintendencies. Within the 51 partial county-unit counties are located 73 independent city or town superintendencies.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 143.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 115-118.

NORTH CAROLINA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools...

   State Board of Education.--Composed of 13 members--the lieutenant governor, the State treasurer, and the State superintendent of public instruction plus 10 persons appointed by the governor for overlapping 8-year terms. One member is appointed from each of the 8 educational districts of the State and 2 members are appointed from the State at large. Appointments are subject to confirmation by the general assembly in joint session. A majority of the members of the board are to be persons of training and experience in business and finance who are not connected with the teaching profession or any educational administration of the State. The State board of education appoints a controller, subject to the approval of the governor, as director of the budget who serves at the will of the board. The controller, under the direction of the board, supervises and manages the board's fiscal affairs.

   b. Supplementary programs

   Textbook Commission (advisory).--Consists of 12 members appointed by the governor and the superintendent of public instruction for concurrent 4-hear terms. The law directs that 7 of the members shall be outstanding teachers or principals in the elementary grades. One of the 5 members designated for high school grades may be a county or city superintendent. The commission evaluates books offered for adoption. Each member files a written evaluation of each book suggested in the field in which he teaches. The ultimate selection of books for school use is the responsibility of the State board of education.

3. Chief State School Officer

The superintendent of public instruction is a constitutional officer who is elected on a partisan ballot by the qualified electors of the State for a 4-year term. He is ex officio secretary of the State board of education....

7. Coordination of the State Education System Through Structure

The superintendent of public instruction and the State board of education are jointly responsible for the coordination of the State program of public elementary and secondary education. .....

8. Coordination of the State Education System Through Ex Officio Memberships

The State superintendent of public instruction is an ex officio member of (a) the State board of education,....

The lieutenant governor and the State treasurer are ex officio members of the State board of education.

9. Fiscal Coordination

Fifteen educational agencies present budgets to the advisory budget commission. These are: ...., State board of education, superintendent of public instruction.

The advisory budget commission is composed of 6 members, the 4 chairmen of the appropriations committees and the finance committees of both the house and the senate plus 2 more persons appointed by the governor for indefinite terms.

Each of the educational agencies presents its budget to the commission at a hearing during which specific items are explained and justified. The commission has the right to increase, decrease, or eliminate any items.

The budgets of educational agencies are incorporated with the budgets for all other State agencies into "The Budget Submitted by the Governor and the Advisory Budget Commission to the General Assembly Session." This is presented to the legislature with the governor's budget message containing an analysis of special or significant requests, together with suggested sources of revenue, and the governor's personal recommendations.

NORTH CAROLINA

(Public School Laws ofNorth Carolina, 1958, and 1959 Supplement and 1961 Suppl.)

Outline of StateEducational Organization

State Board of Education

Section 115-2 - Places the general supervision and administration of the free public school system in the State Board of Education, to consist of the Lieutenant Governor, the State Treasurer, the State Superintendent of Public Instruction, and ten members appointed by the Governor, subject to confirmation by the General Assembly in joint session. State Superintendent of Public Instruction is administrative head of the public school system and secretary of the Board.

Section 115-11 - General powersand duties of State Board:

(1) General supervision and administration of the educational funds provided by State and federal governments.

~~(2)~~ (c) Power to apportion and equalize over the State all State school funds.

(8) Acceptance of federal fundsand aid.

(12) Power to allot special teaching personnel

(14) Miscellaneous Powers and duties:

(a) Certify and regulate teachers and oher school employees.
(b) Adopt and supply textbooks.
(c) Adopt a standard course of study upon recommendation of State Superintendent of Public Instruction.
(f) Report toGeneral Assembly on operation of State Literary Fund.

State Superintendent of Public Instruction

Section 115-12 - State Superintendent of Public Instruction, as administrative head of public school system, to perform duties prescribed by law and be secretary of State Board of Education. /No citation found as to how selected./

Section 115-14 - Administrative duties;

1. Organize and establish a Department of Public Instruction, including such divisions and departments as are necessary for supervision and administration of public school system.

2. Keep public infomed as to problems and needs of public schools.

3. Report biennially to Governor, including information and statistics of the public schools, with recommendations for their improvement and fo changes in school law.

~~Section 115-15 - Duties~~

NORTH CAROLINA

(Public School Laws of North Carolina, 1958, and 1959 and 1961 Supplements.)

Section 115-15 - Duties as secretary toState Board of Education:

1. Administer through the Department of PublicInstruction the instructional policies established by the Board.
2. Keep Board informed regarding developments in the field of public education.
3. Make recommendations toBoard re problems and needsof education in North Carolina.
5. Collect information and furnish reports to Board.

Controller

Section 115-16 - Constitutes the controller the executive administrator of the Board in the supervision and management of the fiscal affairs of the Board. He is to administer funds provided for operation of the schools.

Section 115-27 - Boardof education of each shall be a body corporate.

County and City Boards of Education

Sectionl15-18 - County board of education in each county to consist ~~x~~ of members appointed by General Assembly.

Section 115-19 - Membership on county boards is arrived by nominations made biennially at party primaries or conventions at same time as other county officers are nominated. Names of persons (to fill terms as they expire) transmitted to General Assembly and General Assembly then elects or appoints one or more from the candidates.

Section 115-35 - Powersand duties generally:

1. To provide an adequateschool system.
2. Have all powers and duties conferred and imposed by law respecting public schools which are not expressly conferred and imposed upon some other official.

Section 115-45 - Have power tomake rules and regulations re conduct of teachers, principals and supervisors.

Section 115-52 - Power to purchase supplies and equipment.

Section 115-39 - County boards of education to elect county superintendent of schools, subject to approval of State Superintendent and State Board.

Superintendents

Section 115-54 - County superintendent of public instruction to reside in county in which he is employed. Not to teach. Sec. 115-56 - County and city superintendents to be ex officio secretary to their respective boards of education.

NORTH CAROLINA

(Public School Laws of North Carolina, 1958, and 1959 and 1961 Supplements.)

Section 115-57 - Superintendent to be informed of policies and rules adopted by State Superintendent of Public Instruction and State Board of Education. To confer, work and plan with all school personnel to achieve best methods of instruction, school organization, hold teachers' meetings, etc..

Section 115-60 - Superintendents to keep proper financial records.

Section 115-61 - County superintendents to keep record of local taxes. Furnish boundaries of special taxing districts (Sec. 115-63).

Section 115-64 - County superintendent to approve and sign all vouchers for disbursement of all county and district funds - but not for more than is apportioned to or raised by special tax during the fiscal year of a special taxing school district.

School Committees

Section 115-70 - County board of education named by General Assembly shall elect and appoint school committees for each of the several districts in their counties, of not less than three nor more than five persons for each school district. County board of education may appoint an advisory committee of three members for each school building in the district, who shall care for the school property and perform such other duties as may be defined by the county board of education.

Section 115-72 - District committee, upon recommendation of county superintendent of schools, is to elect principals for schools of the district, subject to approval of county board of education. Principal to nominate and district committee elect teachers, subject to approval of county superintendent and county board.

Section 115-73 - School committee has duty to protect all school property in its district. To this end, it is given custody of all schoolhouses, grounds, textbooks, apparatus, and other school property in the district, with full power to control same in best interests of the public schools, not in conflict with rules and regulations of county board of education.

State: North Carolina

Source of information unless otherwise stated: Public School Laws of North Carolina, 1958, and 1959 and 1961 Supplements.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The following law is quoted from "II. New Statewide School Laws and Resolutions, 1959 Session" reprinted in the 1959 Supplement to the Public School Laws of North Carolina:

"Chapter 1322. AN ACT APPROPRIATING FUNDS TO THE STATE BOARD OF EDUCATION FOR A PROGRAM OF EDUCATION BY TELEVISION IN THE SCHOOLS OF THE STATE.

"WHEREAS, the Fund for the Advancement of Education and North Carolina school systems have cooperated in the conduct of an experiment in teaching by television in the schools of the State during the 1957-1958 and 1958-1959 school years; and

"WHEREAS, the said Foundation will continue an appropriation on a limited basis for the experiment during the 1959-1960 school year; and

"WHEREAS, school systems throughout North Carolina desire to continue the experiment and are paying a portion of the cost involved; and

"WHEREAS, results of the experiment to date appear to justify a continuation and extension of the experiment: Now, therefore,

"The General Assembly of North Carolina do enact:

"Section 1. That there is hereby appropriated to the State Board of Education the sum of twenty-five thousand dollars ($25,000.00) for the first year of the biennium beginning July 1, 1959, and fifty thousand dollars ($50,000.00) for the second year of the biennium for the purpose of conducting in the public schools of the State a program of teaching through the use of television. Upon the recommendation of the State

PART III - continued (2)

Superintendent of Public Instruction the State Board of Education shall adopt standards for courses of instruction through television to be offered in the public schools of the State and the State Board of Education shall allocate the funds appropriated for this purpose to the county and city administrative units of the State which comply with the standards so established. Said appropriation shall be expended by county and city boards of education for payment of the salaries of competent teachers; for the administration of the program; for the operation of the studio; for the salaries of the personnel employed at the studio; for the purchase of materials; for the cost of operating a transmitter; and for other costs found by the State Board of Education to be necessary to the operation of the program.

"The State Board of Education is authorized to provide in its standards that participating administrative units shall support the program, in part, with local funds, the ratio to be determined by the Board.

"Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

"Sec. 3. This Act shall be in full force and effect from and after its ratification.

"In the General Assembly read three times and ratified, this the 20th day of June,1959."

From High Spots in State School Legislation, January 1 - August 1, 1961:

"Additional funds for $70,100 appropriated for television research."

"Instructional supplies" are mentioned in the following sections:

Section 115-53. Purchase of equipment and supplies. (See Part IV)

Section 115-73. School committee has duty to protect all school property and apparatus. (See Part IV)

Section 115-78. Objects of expenditure to be listed by county and city boards in school budget under three separate funds: (A) Current expense fund (2) instructional supplies; (B) capital outlay fund - includes (1) new buildings and grounds.....instructional apparatus. (See Part IV). (C) debt service fund (repaying indebtedness).

Section 115-79. Objects of expenditure included in State budget. Includes (2)(d) instructional supplies.

Section 115-132. Duty of board to provide equipment for school buildings. "It shall be the duty of county and city boards of education and tax levying authorities to provide suitable supplies for the school buildings under their jurisdiction. These shall include, in addition to the necessary instructional supplies.....library equipment, maps, and equipment for teaching the sciences."

Section 115-216. Powers and duties of State Board of Education. "The children in the public schools of the State may be provided uniformly with free basal textbooks within the appropriation of the General Assembly for that purpose, and with supplementary textbooks and *instructional materials*....." (See Part IV)

Section 115-207. State Board of Education to select and adopt textbooks - "The Board is hereby authorized to select and adopt for the exclusive use in the public schools of North Carolina, textbooks, publications, and *instructional materials* needed for instructional purposes, in each grade and on each subject matter in which instruction is required by law....."

(emphasis added)

North Carolina Public Schools, Biennial Report, Part 1, 1958-1960:

The Department of Public Instruction

(1) Division of Instructional Services. This division provides services as follows: curriculum construction and revision; evaluation and accreditation of schools; general supervisory assistance in the improvement of instruction; in-service education of teachers and other school personnel; and assistance in special areas; for example, testing and pupil classification, *audio visual aids, instructional materials*, library, music, safety and driver education, exceptional children, and health and physical education.

(2) Elementary Curriculum. This curriculum is implemented by the use of free textbooks. Library books, supplementary readers, *maps and globes*, art and construction supplies, music appreciation materials, and *other aids* are also used in instruction.

(3) School Libraries. A good school library makes important contributions to all phases of teaching and learning. School library services include:

Providing a broad, varied collection of materials--including books, magazines, films, filmstrips, newspapers, pamphlets, recordings--selected to meet the needs of the curriculum and to provide for the individual needs and interests of boys and girls

Providing space for reading, *listening, viewing*, and research work by class groups and individuals

Library materials. In 1959-60, the total number of library books owned by the public schools was 6.4 plus million volumes, or an average of 5.9 plus books per pupil. National standards recommend an average of 10 or more books per pupil. Other library materials (*films*, *filmstrips*, *recordings*, magazines, newspapers, pamphlets) are provided to approximately the same extent as library books. The sum of $2,056,112.86, an average of $1.92 per pupil in average daily membership, was spent for library materials and equipment in 1959-60. Of this amount, the State contributed $ .50 per pupil. Funds made available through the National Defense Education Act contributed a large portion of the expenditure for library books and *audio-visual* materials.

State: North Carolina

PART III - continued (4)

Library personnel - Services of the Department of Public Instruction. In 1959, the General Assembly provided funds to increase the instructional materials staff of the Department of Public Instruction. The additional personnel enables the Department to provide more consultant services to schools, to offer assistance in audio-visual services, and to devote more time to the evaluation of materials and the preparation of bibliographies and bulletins. The Instructional Materials Library, established in 1959, serves staff members of the Department of Public Instruction and teachers, supervisors, and administrators. Materials and services available include:.....

- audio-visual equipment

(4) Recommendations of Improving the Public Schools. Included in the definition of a good school is one that has books and other teaching materials of appropriate quality and sufficient quantity.

It is recommended that appropriations for instructional materials and library books be increased and that in-service training programs be developed to acquaint teachers with the newer and better materials and media of instruction to accomplish the purpose of attaining good schools.

NORTH CAROLINA

PART IV

Topics 2, 4, 5, 11, and 22 - General authority as follows:

Section 115-15 - relating to duties of State Superintendent of Public as secretary toState Board of Education:

He is to: (1) administer through the Department of Public Instruction the instructional policies established by the Board, (2) keep the Board informed regarding developments in the field of public education, (3) make recommendations to the Board with regard to the problems and needs of education in North Carolina, ~~and~~ (5) collect and organize information regarding the public schools, on the basis of which he shall furnish the Board such tabulations and reportsas may be required by the Board, and (6) communicate to the public school administrators all information and instructions regarding instructional policies and procedures adopted by the Board.

This section isauthority for:

(1) leadership - State Superintendent
(2) advice - State Superintendent provides
(3) recommendations - State Superintendent makes to Board
(4) Decisions - State Board makes
(5) Execution of decisions - by State Superintendent

Section 115-56 - "It shall be the duty ofevery superintendent/[county and city]/to attend professional meetings conducted by the State Superintendent of Public Instruction and such other professional meetings as are necessary to keep him informed on educational matters. It shall be the duty of every superintendent to furnish as promptly as possible to the State Superintendent when requested by him, information and statistics on any phase of the school work in his administrative unit."

Section 115-57 - County (and city) superintendent is to keep himself thoroughly informed asto all policies promulgated and rulesadopted by the State Superintendent of Public Instruction and the State Board of Education, for the organization and government ofthe publicschools and he is tonotify his board ofeducation, school committees, supervisors, principals, teachers, etc. of such policies and rules. "In the performance of these duties, the superintendent shall confer, work, and plan with all school personnel to achieve the best methodsofinstruction, school organization and school government." Superintendent shall also hold each year such teachers' meetingsand study groups as in his judgment will improve the efficiency of the instructionin theschools in his unit.

Topic 3: Section 115-198:

State Superintendent - recommends.) standard course of study for each grade
State Board of Education - adopts) in elementary school and high school

State Superintendent prepares course of study for each grade andoutlines appropriate subjects to be taught, together with directions as to best methods of teaching them as guidance for the teachers.

Section 115-11(14)(c) - State Board to adopt standard course of study upon recommendation of StateSuperintendent.

Also see Part III, above, Chapter 1322 enacted by State legislature.

Topic 7: Section 115-216 (referred to in next topic).

Topic 8: Section 115-216 - Children in the public schools "may be provided uniformly with free basal textbooks within the appropriation of the General Assembly for that purpose, and with supplementary textbooks and instructional materials at a minimum annual rental ..."

Section 115-206 - State Superintendent recommends and StateBoard adopts standard course of study for each grade and State Superintendent outlines the basal and supplementary books on each subject.

Section 115- 207 - State Board selectsand adopts textbooks, publications and instructional materials needed for instructional purposes.

Section 115-208 - State Superintendent recommends and on basis ofsuch recommendation, Governor then appoints a Textbook Commission of 12 members.
Sec. 115-209 - Textbook Commission evaluates and reports on itsevaluation of books to Bord.

Section115-210 - Board then selects after the filing of reports of the Textbook Commission.

Section 115-11(14)(b) State Board of Educationis to adopt and supply textbooks.

Topic 9: Section115-216(1)/- State Board of Education is to acquire by contract or purchase textbooks and instructional supplies and to "purchase materials, supplies, and equipment..."
Section115-52 - County andcity board of education are to purchase all supplies, equipment and materials in accordance with contractsmade by or with approval of State DivisionofPurchase and Contract.
Section 143-129 an. Section 143-131 - re Procedure for letting contracts. (See Topic 17).

PART IV - continued (3)

Topic 10: Section 115-48 - Tax leving authorities authorized to borrow and boards of education limited in expenditures.

Section 115-78 - Objects of expenditure for operation of public schools - includes "instructional service", "instructional supplies," and "instructional apparatus."

Section 115-79 - States how these (and other) objects of expenditure are to be included in State budget.

Section 115-80 - Rules for preparation of school budgets by county and city boards of education.

Section 115-83 - Operating budget to be filed with State Superintendent of Public Instruction and State Board of Education by the county and city board of education, upon receipt of tentative allotment of State funds for operating the schools.

Section 115-116 - Elections may be called to ascertain the will of the voters as to whether special tax shall be levied to supplement the current expense funds from State and county allotments and thereby operate schools of a higher standard by supplementing any item of expenditure in the school budget.

Section 115-216(2) - Provides for a rental system by which textbooks and instructional materials are distributed to the local school districts by the State Board for an annual rental fee. When the local school district has paid over to the State Board, in rentals, a sum equal to the cost of the textbooks, it may withdraw from the rental system and become absolute owner of the said books and materials, Sec. 115-220.

Also see Part III.

Topic 12: Section 115-216(2) - see above.

Topic 14: Section 115-52 - Certificate prerequisite to employment.

Section 115-53 - State Board of Education shall have entire control of certificating all applicants for teaching, supervisory, and professional positions in the public schools.

Topic 16: Section 115-6 - Classifies and defines the different types of public schools. (The statute itself does this, not an official or board.)

Topic 17: Section 143-129 - No construction or repair work contract in excess of $3,500 to be let without advertising for bids.

Section 143-131 - Contracts may be let on informal bids if amount is in excess of $200 but less than $3,500.

Section 115-129 - It shall be duty of boards of education to make provisions for the nine months' school term by providing adequate school buildings equipped with suitable school furniture and apparatus. The needs and the costs of such buildings, equipment, and apparatus, shall be presented each year when the school budget is submitted to the respective tax levying authorities. The boards of commissioners shall be given a reasonable time to provide the funds which they, upon investigation, shall find to be necessary for providing their respective units with buildings suitable equipped, and it

NORTH CAROLINA

PART IV (Cont'd.)

Topic 17(Cont'd.): shall be the duty of the several boards of county commissioners to provide funds for the same.

> Case citations: "It is the duty of the county commissioners, upon information being furnished by the county boards of education, to provide the fundsnecessary for suitable buildingsand proper equipment, and such expenses are a county-wide charge. Reeves v. Boardof Education, 204 N.C. 74, 167 S.E. 454 (1933).
>
> "The board of commissioners ofthe county, and not the board of education ischarged with the duty to determine what expenditures shall be made for the erection, repair and equipment ofschool buildings in the county. Johnson v. Marrow, 228 N.C. 58, 44 S.E. (2d) 468 (1947)."

Topic 18: Section 115-11(6) - State Boardshall have authority to apportion and equalize over the State all Federal funds granted to the State for assistance to local school units.

Section 115-11(8) - State Board is authorized to accept, receive, use or reallocate to local school units any federal funds for improvement of free public school program. "However, the Board isnot authorized to accept any such funds upon any condition that the public schools of this State shall be operated contrary to any provisionsot the Constitution or statutesof this State."

Topic 19: Section 115-11(6) - The State Board shall have authority to apportion and equalize over the State allStatefunds.

Section 115-17 - The State controller, under direction of State Board, shall maintain records which reflect status of all educational funds administered by the State Board, including (a) State appropriation for maintenance of the nine months' public school term.

Section115-84 - provides for disbursement of State funds.

Topic 20: Section 115-200 - establishes voluntary endowment fund for public schools to be financed by gifts, donations, bequests or other forms of voluntary contributions. (This section is apparently new- found only in 1961 Supplement.)

Topic 21: Section 115-216(7) - State Board of Education authorized to administer a fund and establish rulesand regulations necessary to: Buy and sell library books to be placed in the schools from list selected by State Superintendent of Public Instruction with approval of the Board - to be placed in schools designated by the Board.
Sec. 115-227 - County and city boards may purchase from State Board library books for use in a local rental system.

NORTH DAKOTA (1959-60)

Enrollment in full-time public schools:	
Elementary	101,166
High School	35,600
Number of school districts (including non-operating)	1,351
Number of elementary schools	1,411
Number of high schools (including junior high)	352
Expenditure per pupil in average daily attendance	$370

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

NORTH DAKOTA

County, Independent, Special, and Common School Superintendencies

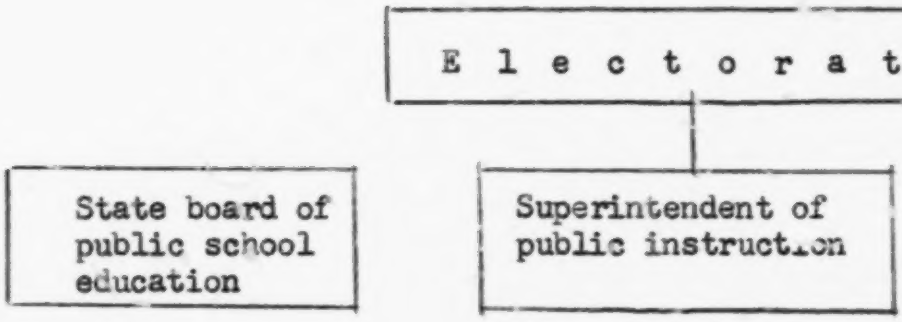
There are 384 school superintendencies in the State: 53 county-intermediate superintendencies, 175 independent city or town superintendencies, one common superintendency, and 155 special superintendencies. The superintendents of the 53 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 146.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 119-121.
as amended by North Dakota Session Laws 1955, Chapter 132.

NORTH DAKOTA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)


Electorate
State board of public school education
Superintendent of public instruction

2. State education boards

a. Schools....

State board of public school education.--Consists of governor as chairman, attorney general, superintendent of public instruction, a member selected by the North Dakota educational association, and a member selected by the North Dakota school officers' association. The latter two members shall serve for two-year terms. The superintendent of public instruction shall also serve as executive director and secretary of the board.

b. Supplementary programs

Board of University and School Lands.--Consists of 5 ex officio members: the governor, the secretary of State, the State auditor, the attorney general, and the superintendent of public instruction. The board controls all public lands and permanent funds held by the State for the support and maintenance of State educational..... institutions. The board appoints a general agent designated as the commissioner of...... school lands. He is appointed for a 2-year term and is subject to removal at the pleasure of the board. (administrative)

State School District Reorganization Committee.--(administrative) Composed of 3 ex officio members--the superintendent of public instruction, the attorney general, and the State treasurer. The committee aids county committees and has the authority to approve or disapprove plans for school district reorganization.

State School Construction Fund Board.--(administrative) Composed of the superintendent of public instruction as chairman, the director of the State equalization fund as secretary, the manager of the Bank of North Dakota or someone designated by him, and the attorney general or an assistant designated by him. The State school construction fund board was created for the purpose of constructing and improving public school buildings and furnishing and equipping them for use.

3. Chief State School Officer

The superintendent of public instruction is a constitutional officer in the executive department of the State government. He is elected for a 2-year term on a no-party ballot by the qualified electors of the State. To qualify for the office a person must be 25 years of age, have all of the qualifications of an elector for that office, and hold a teacher's certificate of the highest grade issued in North Dakota.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction is primarily responsible for the coordination of the State program of public elementary and secondary education.

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction is an ex officio member of the board of university and school lands and the .....

The governor, the secretary of State, the State auditor, and the attorney general are ex officio members of the board of university and school lands.

9. Fiscal coordination

Two educational agencies submit budgets to the State budget board, the superintendent of public instruction .....The State budget board may recommend changes or may disapprove all or part of such budgets and return them to the agencies concerned. The board holds hearings which are open to the public and makes such investigations as it believes advisable; it then approves or revises the budgets and incorporates them into the State budget which is submitted to the legislature.

The State budget board consists of the governor, the chairmen of the appropriations committees of the senate and of the house of representatives of the preceding legislative assembly, the State auditor, and the attorney general. The board appoints a director of the budget and such other assistants as are required to conduct its affairs. The term of office of the director expires at the end of each general session of the legislature.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

Outline of State Educational Organization

Superintendent of Public Instruction

Section 15-21-01 - Superintendent of public instruction to be elected at time of choosing members of legislative assembly.

Section 15-21-04 - Superintendent has general supervision of common and secondary schools.

Section 15-21-05 - Superintendent to preserve in his office all books, maps, charts, works on education, school reports, plans for school buildings, and other articles of educational interest and value and deliver same to his successor.

Section 15-21-07 - Duties - To advise with county superintendents and boards of education on all matters involving welfare of schools and to decide questions concerning school laws.

Section 15-21-07.1 - Superintendent may enter into agreements with federal government or with school board of any school district in the state.

Section 15-21-09 - Superintendent to have charge and supervision of certification of teachers, standardization of schools, uniformity of textbooks, and preparation of courses of study.

Section 15-21-10 - Superintendent to meet with county superintendents to discuss facts relative to schools, methods of instruction, textbooks, institutes, visitation of schools, and other matters relating to the public schools.

Section 15-21-11 - Superintendent to prescribe rules and regulations for holding of teachers' institutes and training schools.

Section 15-21-12 - To attend and assist at teachers' institutes.

Section 15-21-13 - Superintendent to furnish school supplies, blanks, record books, forms and school library lists.

Section 15-21-14 - Superintendent to transmit report to governor on condition of the schools, financial and educational.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

State board of public school education

Section 15-21-17 - State board of public school education to consist of governor, as chairman, attorney general, superintendent of public instruction, and a member to be selected by the North Dakota educational association and a member to be selected by the North Dakota school officers' association. Superintendent of public instruction also to serve as executive director and secretary of the board and to supervise and carry out the policies of the board in relation to all functions. Board has authority to call upon any state office, officer, department or agency for advice and assistance.

Section 15-21-19 - State board has power to authorize any school district to acquire sites, construct buildings, and operate schools, or discontinue same and liquidate assets.

County superintendent of schools

Section 15-22-01 - County superintendent to be elected at same other county officers are elected - for two-year term.

Section 15-22-09 - Duties - County superintendent of schools to have general superintendence of schools in the county, excep t in districts which employ a city superintendent of schools.

Section 15-22-10 - County superintendent to visit schools, observe methods of teaching employed by the teacher and progress of the pupils, also to advise and direct teachers and keep records of visits.

Section 15-22-11 - County superintendent to carry into effect instructions of the superintendent of p ublic instruction - and to convene teachers' meetings and conferences.

Section 15-22-18 - County superintendent to make reports to superintendent of public instruction.

Public school districts

Section 15-27-01 - All school districts in North Dakota, except the Fargo school district, are public school districts (S.L., 1961, 158, §1). Section 15-27-02 - Every public school district to be a body corporate.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

Section 15-28-01 - School board of a public school district to be elected.

Section 15-29-07 - Schools of a public school district shall be under supervision of the school board which may appoint a school superintendent to supervise the schools within the district. When no superintendent is appointed by the board, the schools of the district shall be under the immediate supervision of the county superintendent of schools.

Section 15-29-08 - General powers and duties of school board: Establish system of free public schools; organize, establish and maintain schools; purchase school apparatus, textbooks, furniture and appendages; have custody and control of school property; make reports on financial and educational condition of the schools.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

1. Audio-visual aid legislation and regulations

The following specific provision relates to television (the only specific reference in the code to the subject):

Section 15-47-36 - "Contracts authorized for educational television.--The superintendent of public instruction may contract, for a period of not to exceed two years, with provisions for its renewal for like periods, with a nonprofit corporation for the purpose of providing the people of the state with educational television services in the fields of elementary, secondary, and higher education, adult education, and other fields tending to promote cultural development."

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

2. Planning the use of AV aids

The following authorities appear to be relevant:

Section 15-21-04 - Superintendent of public instruction to have general supervision of schools.

Section 15-21-10 - Superintendent of public instruction to meet with county superintendents to discuss facts relative to schools and methods of instruction. Planning function implied here.

Section 15-22-09 - County superintendentto have general superintendence of schools in the county.

Section 15-22-10 - County superintendent to visit schools, advise and direct teachers. AV aid planning possible under this authority.

Section 15-22-13 - County superintendent - to convene the members and clerks of the several boards of the schools under his supervision once a year for the purpose of discussing plans and methods for the improvement of the schools.

> /Case note following this section: It is the duty of the county superintendent to convene members and clerks of school boards once a year to discuss plans for the improvement of school s. State ex rel. Stevenson v. Nichols, 39 ND 4, 166 NW 813./

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

3. Preparing curricula

Specific references as follows:

Section 15-21-09 - Superintendent of public instruction shall have charge of preparation of courses of study for the several classes of public schools.

Section 15-22-10 - County superintendent of schools shall visit schools and advise and direct teachers in regard to the instruction, classification, government, and discipline of the schools, and the courses of study.

Section 15-29-08 - School board of a public school district shall determine and establish courses of study which shall be followed, in addition to those courses prescribed or approved by the superintendent of public instruction or by law.

Section 15-38-07 - Sets forth the subjects required to be taught in the public schools; e.g. spelling, reading, writing, arithmetic, language, etc.

Section 15-38-01 - Superintendent of schools in districts where a superintendent is employed, is to supervise the administration of courses of study and from time to time make reports to school board embodying recommendations relative to changes in courses of study.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

No specific references. General provision deemed pertinent as follows:

Section 15-21-10 - Superintendent of public instruction to meet with county superintendents to discuss schools, methods of instruction, etc..

Section 15-21-11 - Section 15-21-12 - Superintendent of public instruction to prescribe rules for holding of teachers' institutes, designate lecturers for same and generally assist at teachers' institutes. [Could possibly cover subject of AV aids.]

Section 15-21-13 - Superintendent of public instruction to furnish to school officers lists of publications approved by him as suitable for district libraries. [If AV aids are introduced into schools through library provisions, authority is here for publishing lists of AV material.]

Section 15-22-10 - County superintendent to visit schools, advise and direct teachers.

Section 15-22-11 - County superintendent to carry into effect instructions of superintendent of public instruction to convene teachers' meetings.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

5. Organizing AV units

No specific provisions. See sections listed under Item 2, "Planning use of AV aids." The same authorities would appear to be relevant in connection with organizing AV units.

6. Conferring on AV use outside of state educational structure

No specific provisions. The only sections that could possibly be deemed pertinent are 15-21-07.1 and 15-21-07.2 relating to agreements between the superintendent of public instruction and an agency of the federal government or with the school board of school districts within the state. "Agreement" implies conferences prior to such agreement, and, conceivably AV use could be a permissible subject.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

7. Selecting AV aids
8. Selecting textbooks

The following provisions are applicable:

Section 15-21-09 - The superintendent of public instruction shall have charge and supervision of the uniformity of textbooks.

Section 15-21-10 - Superintendent of public instruction to meet with county superintendents. One of the objects of such meetings is to hear discussions and suggestions relative to textbooks.

Section 15-43-04 - Superintendent of public instruction is to distribute to clerks of district school boards, and county superintendents of schools a complete printed list of books filed with his department, giving the prices and terms of sale and, annually, shall have a supplementary list of textbooks distributed. All books used in the public schools of the state are to be selected, adopted, and purchased by contract from such list by the district school boards. School boards may use supplementary books not shown on the lists described in this section.

Section 15-38-01 - Superintendent of schools in districts where a superintendent is employed is to make reports to the school board from to time embodying recommendations relative to adoption of textbooks, among other matters.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

9. Acquiring AV (or teaching) aids, school supplies, equipment, and textbooks

The following sections might be pertinent:

Section 15-43-01, requiring a statement and bond to be filed in the office of the superintendent of public instruction relating to the price of a textbook being considered for adoption.

> /A collateral reference inserted by the editor following this section is as follows: "Maps and charts, power of school district to provide, 7 ALR 793; 52 ALR 254."/

Section 15-43-04, requiring the superintendent of public instruction to distribute to local school district board clerks and county superintendents lists of books, prices and terms of sale. All books are to be selected, adopted, and purchased by contract from such list by the district school boards and boards of education. However, supplementary books not shown on the lists may be used also.

Section 15-43-07 - School board may purchase textbooks from publisher at prices and terms listed with superintendent of public instruction and may sell same to pupils at cost plus handling and transportation cost. Board may purchase books for and lend to indigent pupils - shall purchase books necessary for the use of teachers. Books purchased for use of indigent pupils and teachers to be paid for out of the funds of the district and remain property of the district.

Section ~~4~~ 15-47-15 - No contract involving expenditure of an amount greater than one thousand dollars to be entered into by any school district except upon sealed proposals and to the lowest responsible bidder, after publication in a legal newspaper.

Pertinent exceptions to this are:

For school text or reference books.
For any article which is not for sale on the open market.
For any patented, copyrighted, or exclusively sold article of so distinctive a nature that only one make of the article can be purchased.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

10. Financing acquisition (Financing schools and acquisition of supplies and equipment.)

The following sections seem applicable:

Section 15-44-01 - re source of state tuition fund. Net proceeds arising from all fines for violation of state laws, from leasing school lands and interest and income from state permanent school fund to be paid into state treasury and to constitute the state tuition fund.

Section 15-44-03 - Superintendent of public instruction to apportion state tuition fund among the several counties in proportion to number of children of school age.

Section 15-44-04 - County superintendent to apportion state tuition fund allotted ~~tax~~ the county among the several school districts.

Section 15-44-08 - Moneys from any other source designated the general fund. State tuition fund used only for teachers' salaries. Excess, if any, to be transferred to general fund.

Section 15-29-08 - School board of a public school district has p ower to levy a tax upon the property in the district for school purposes (as provided in title 57, Taxation.).

Section 15-29-12 - School district treasurer shall keep account of receipts and expenditures of each fund of the district; prepare report on finances of the district; pay out district moneys on presentation of warrant (Sec. 15-29-13).

Section 15-29-13 - Treasurer to pay out moneys only upon presentation of warrant of president of school board. Form of warrant prescribed by superintendent of public instruction.

Section 15-43-09 - When school board of any school district deems it desirable or necessary, or whenever such board is petitioned to do so by two-thirds of voters of district, it shall provide free textbooks and supplies, such books to be paid for out of funds of the district.

Section 15-48-01 - Whenever petition signed by one-third of electors requesting that the school board submit to electors the question of increasing the debt limit 5% on assessed value of taxable property beyond the 5% per cent constitutionally fixed, board must submit such question to electors at next annual school election or special election.

> /Apparently, Title 57, Taxation (not included within this reprint of the school code) would have additional provisions re financing schools./

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

11. Regulating use of A V aids and keeping statistics on use and using personnel

12. Distributing AV aids

No specific provisions on either of these topics, but it is felt the following general provisions would provide authority for these functions:

Section 15-21-04 - Superintendent of public instruction has general supervision of schools.

Section 15-21-10 - Superintendent to meet with county superintendents to discuss facts relative to schools, methods of instruction, etc.

Section 15-21-13 - Superintendent to furnish forms, library lists, etc.

Section 15-21-14 - Superintendent to transmit report to governor on schools.

Section 15-22-09 - County superintendent to have general superintendence of schools in the county.

Section 15-22-10 - County superintendent to visit schools, advise and direct teachers and keep records of visits.

Section 15-22-11 - County superintendent to carry into effect instructions of superintendent of public instruction.

Section 15-22-18 - County superintendent to make reports to superintendent of public instruction.

Section 15-29-08 - General powers and duties of a school district board: Organize, establish and maintain schools, purchase school apparatus, textbooks, furniture and appendages, have custody and control of school property.

/A case note which might be applicable: "Custom or usage as enlarging statutory powers of public officer, 65 ALR 811."/

13. Producing AV aids

No applicable provisions. However, Section 15-47-36, authorizing superintendent of public instruction to contract for educational television services, might be authority for participation in producing programs, etc..

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

14. Certificating teachers

The following provisions are pertinent:

Section 15-21-09 - The superintendent of public instruction is to have charge of certification of teachers.

Section 15-36-01 - Superintendent of public instruction to issue two regular grades of certificates, second grade professional certificate and first grade professional certificate.

Section 15-36-04 - Second grade professional certificate - qualifications. Holder entitled to teach in any elementary grades and ninth and tenth grades.

Section 15-36-05 - First grade professional certificate - qualifications. Holder entitled to teach in any of the public schools of the state.

Section 15-13-03 - Courses of study in state normal schools to be determined by state board of higher education.

Section 15-21-18 - State board of higher xeducation and state board of public education are to hold at least one joint meeting each year at joint call of superintendent of p ublic instruction and commissioner of higher xeducation for purpose of considering matters in relation to teacher training, teaching standards, and teacher certification.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

15. Prescribing qualifications of using personnel

No specific provisions. The following general provisions might be pertinent:

Section 15-21-10 - Superintendent of public instruction to meet with county superintendentsk to discuss, among other matters, qualifications of teachers, methods of instruction, etc..

Section 15-21-11 - Superintendent of public instruction to prescribe rules and regulations for holding of teachers' institutes and teachers' training schools and courses of instruction therefor; also, after counseling with county superintendents as to special needs and wants of their respective counties, to designate such persons to act as lecturers at training institutes as in his judgment will meet the requirements of the various counties. /Could be applied to training of personnel and qualifying same in AV aid techniques./

Section 15-38-01 - Superintendent of schools, in districts where a superintendent is employed, is to have general supervision of the professional work of the schools, including classification of teachers.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

16. Accrediting schools

The following appear pertinent:

Section 15-21-09 - Superintendent of public instruction to have charge and supervision of standardization of schools.

Section 15-22-10 - County superintendent of schools to advise and direct teachers in regard to classification of schools.

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

17. Federal aid to schools

Section 15-21-07.1 - Superintendent of public instruction may enter into agreements with any agency of the federal government in order to carry out purposes of any federal statutes pertaining to public education and may adopt necessary rules of administration to comply with any conditions necessary to obatin the full benefits of such federal statutes; provided, that such agreements shall not impair rights and authority of local school districts and school boards in management and control of their local schools.

18. Private aid to schools

The only reference that could be found other than that to gifts for vocational education and rehabilitation services relates to duties of school district treasurer: Section 15-29-12 - Treasurer of a public school district is to keep safely in his possession or under his control all school moneys coming into his hands(4) and is to receive and have custody of all moneys from every source which the school board of the district is authorized to receive (6).

> [A cross-reference under Sec. 15-10-12 (gifts and bequests for benefit of institutions of higher education), refers to § 1-08-02 and § 1-08-03 re authority for devises, bequests, legacies and gifts to state institutions, sections of the code not included within the school laws.]

NORTH DAKOTA

(North Dakota Century School Code, 1960, and 1961 Supplement.)

19. Library programs

The only reference to a library program that could be found was in Chapter 15-25, "Powers and Duties of Common School District Officers," which set foth procedure for acquiring a school library for each school in the district and regulations for the same. This chapter was repealed by S.L. 1961, ch. 158, § 22 89. Presumably, library provisions could be found elsewhere in the North Dakota laws.

One other reference is as follows:

Section 15-21-13 - Superintendent of public instruction shall prepare and furnish to school officers, through county superintendents, lists of publications approved by him as suitable for district libraries. Such lists shall contain the lowest price at which each publication can be purchased and such other information relative to purchase of district libraries as he may deem requisite.

20. Research programs

No specific provisions. The most pertinent general provision is as follows:

Section 15-21-10 - Superintendent of public instruction is to meet with county superintendents to accumulate facts relative to schools, to compare views, to discuss principles, and to hear discussions and suggestions relative to qualifications of teachers, methods of instruction, textbooks, institutes, visitation of schools, and other matters relating to the public schools.

State: North Dakota

Source of information unless otherwise stated: North Dakota Century School Code, 1960, and 1961 Supplement.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 15-47-36. Contracts authorized for educational television.--The superintendent of public instruction may contract, for a period of not to exceed two years, with provisions for its renewal for like periods, with a nonprofit corporation for the purpose of providing the people of the state with educational television services in the fields of elementary, secondary, and high education, adult education, and other fields tending to promote cultural development.

Following is an excerpt from the Administrative Manual for North Dakota High Schools, issued under the direction of the Department of Public Instruction, 1953.

III Equipment

B. Audio-Visual Equipment

1. Map and globe requirements

   a. Each grade in which geography or history is taught must have up-to-date maps of all the countries and continents studied in that grade room, including one of North Dakota, properly mounted and cased.

   b. Each grade room from third to eighth must be equipped with a globe at least 12 to 16 inches in diameter.

   c. Each room in high school in which history is taught must have up-to-date sets of maps or charts designed specifically for each history course offered. Several maps are necessary for each course to show the periods, movements, and developments.

State: North Dakota

PART III - continued (2)

Sec. 15-21-05 (North Dakota School Code) - Custodian of Documents - The Superintendent of Public Instruction shall preserve in his office all books, maps, charts, works on education, school reports and school laws of other states and of cities, plans for school buildings, and other articles of educational interest and value which may come into his possession as such officer.

State: North Dakota

Source of information unless otherwise stated: North Dakota Century School Code, 1960, and 1961 Supplement

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

(b) Secs. 15-21-04, 15-21-10, 15-22-09, 15-22-10, 15-22-13

Yes 3. Preparing curricula

(a) Secs. 15-21-09, 15-22-10, 15-29-08, 15-38-07, 15-38-01

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Secs. 15-21-10, 15-21-11, 15-21-12, 15-21-13, 15-22-10, 15-22-11

Yes 5. Organizing AV units and cooperative activities

See Topic #2

Yes 6. Conferring on AV use outside of State educational structure

(b) Secs. 15-21-07.1, 15-21-07.2

State: North Dakota

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

See Topic #8 below

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Secs. 15-21-09, 15-21-10, 15-43-04, 15-38-01

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(a) Secs. 15-43-01, 15-43-04, 15-43-07, 15-47-15

Yes 10. Financing acquisition by rent or purchase
(a) Sec. 15-43-09
(b) Secs. 15-44-01, 15-44-03, 15-44-04, 15-44-08, 15-29-08, 15-29-12, 15-29-13, 15-48-01

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Secs. 15-21-04, 15-21-10, 15-21-13, 15-21-14, 15-22-09, 15-22-10, 15-22-11, 15-22-18, 15-29-08

Yes 12. Distributing AV aids

See Topic #11 above
Sec. 15-29-08

Yes 13. Producing AV aids

(b) Sec. 15-47-36

Yes 14. Certificating teachers and AV professionals
(a) Secs. 15-21-09, 15-36-01, 15-36-04, 15-36-05, 15-21-18
(b) Sec. 15-13-03

Yes 15. Prescribing qualifications of using personnel

(b) Secs. 15-21-10, 15-21-11, 15-38-01

State: North Dakota

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Secs. 15-21-09, 15-22-10

Yes 17. Building or remodeling schools to facilitate AV use
Secs. 15-35-01, 15-60-03, 15-60-05, 15-29-08(7)

Yes 18. Federal aid to schools

(a) Sec. 15-21-07.1

Yes 19. State aid to schools

Secs. 15-40-01, 15-40-02, 15-40-05, 15-40-14, 15-40-24,
15-44-01, 15-44-03, 15-44-04, 15-44-09
Also see Topics 10 and 17

Yes 20. Private aid to schools

(b) Sec. 15-29-12
Sec. 15-60-03

Yes 21. Library programs

(a) Secs. [illegible], 15-21-13

Yes 22. Research programs

(b) Sec. 15-21-10

Yes 23. Institutes

(a) Secs. 15-21-12, 15-22-11, 15-21-11

Yes 24. Other established procedures
Secs. 15-21-18, 15-22-13

State: North Dakota

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

The State superintendent by Secs. 15-21-04 and 15-21-10 has the power to supervise the schools and to meet with subordinate groups to discuss plans and methods of instruction. This power is necessary to develop plans for use of AV aids.

The general powers conferred on the county superintendents by Secs. 15-22-09, 15-22-10 and 15-22-13 also facilitate planning for use of AV aids. Sec. 15-22-09 grants the county superintendent general supervisory power over schools in his district. Sec. 15-22-10 grants him authority to visit schools and advise and direct teachers. Sec. 15-22-13 empowers him to convene the members and clerks of the several boards of schools under his supervision once a year for the purpose of discussing plans and methods for the improvement of the schools.

Topic 3 - Preparing curricula

Sec. 15-21-09 authorizes the State superintendent to prepare courses of study for the several classes of public schools.

Sec. 15-22-10 authorizes the county superintendent to advise and direct teachers in the courses of study.

Sec. 15-29-08 provides that the school board of a public school district shall determine and establish courses of study which shall be followed, in addition to those courses prescribed or approved by the State superintendent, or by law.

Sec. 15-38-01 - In districts where a superintendent is employed, he is to supervise the administration of courses of study and from time to time make reports to the school board embodying recommendations relative to changes in courses of study.

Topic 4 - Advising subordinate units

The following general provisions seem to be relevant to this topic:

Sec. 15-21-10 - The State superintendent shall meet with county superintendents to discuss schools, methods of instruction, etc. Sec. 15-21-11 - Empowers him to assist in conducting teachers' institutes. Sec. 15-21-13 directs him to furnish lists of publications approved by him as suitable for district libraries.

Sec. 15-22-10 directs the county superintendent to advise and direct teachers. Sec. 15-22-11 directs him to carry out the State superintendents instructions concerning teachers institutes.

State: North Dakota

PART IV - continued (5)

Topic 5 - Organizing AV units

No specific provisions. See sections listed under Topic 2. The same authorities would appear to be relevant in organizing AV units.

Topic 6 - Conferring on AV use

The only relevant sections are 15-21-07.1 and 15-21-07.2. They relate to agreements between the State superintendent and an agency of the federal government or with the school board of school districts within the state. "Agreement" implies conferences prior to such agreement, and conceivably AV use could be a permissive subject.

Topic 7 - Selecting AV aids

No provision in the North Dakota Statutes. However, the selection of textbooks discussed in Topic 8 may be of value in indicating the agency of selection and the process by which AV aids may be chosen.

Topic 8 - Selecting textbooks

The following provisions are applicable:

Sec. 15-21-09 - The superintendent of public instruction shall have charge and supervision of the uniformity of textbooks.

Sec. 15-21-10 - Superintendent of public instruction to meet with county superintendents. One of the objects of such meetings is to hear discussions and suggestions relative to textbooks.

Section 15-43-04 - Superintendent of public instruction is to distribute to clerks of district school boards, and county superintendents of schools a complete printed list of books filed with his department, giving the prices and terms of sale and, annually, shall have a supplementary list of textbooks distributed. All books used in the public schools of the state are to be selected, adopted, and purchased by contract from such list by the district school boards. School boards may use supplementary books not shown on the lists described in this section.

Section 15-38-01 - Superintendent of schools in districts where a superintendent is employed is to make reports to the school board from time to time embodying recommendations relative to adoption of textbooks, among other matters.

Topic 9 - Acquiring AV aids

The following sections might be pertinent:

Section 15-43-01, requiring a statement and bond to be filed in the office of the superintendent of public instruction relating to the price of a textbook being considered for adoption.

[A collateral reference inserted by the editor following this section is as follows: "Maps and charts, power of school district to provide, 7 ALR 793; 52 ALR 254."]

PART IV - continued (6)

Section 15-43-04, requiring the superintendent of public instruction to distribute to local school district board clerks and county superintendents lists of books, prices and terms of sale. All books are to be selected, adopted, and purchased by contract from such list by the district school boards and boards of education. However, supplementary books not shown on the lists may be used also.

Section 15-43-07 - School board may purchase textbooks from publisher at prices and terms listed with superintendent of public instruction and may sell same to pupils at cost plus handling and transportation cost. Board may purchase books for and lend to indigent pupils - shall purchase books necessary for the use of teachers. Books purchased for use of indigent pupils and teachers to be paid for out of the funds of the district and remain property of the district.

Section 15-47-15 - No contract involving expenditure of an amount greater than one thousand dollars to be entered into by any school district except upon sealed proposals and to the lowest responsible bidder, after publication in a legal newspaper.

Pertinent exceptions to this are:

For school text or reference books.

For any article which is not for sale on the open market

For any patented, copyrighted, or exclusively sold article of so distinctive a nature that only one make of the article can be purchased.

Topic 10 - Financing acquisition

The following sections seem applicable:

Section 15-44-01 - re source of state tuition fund. Net proceeds arising from all fines for violation of state laws, from leasing school lands and interest and income from state permanent school fund to be paid into state treasury and to constitute the state tuition fund.

Section 15-44-03 - Superintendent of public instruction to apportion state tuition fund among the several counties in proportion to number of children of school age.

Section 15-44-04 - County superintendent to apportion state tuition fund allotted the county among the several school districts.

Section 15-44-08 - Moneys from any other source designated the general fund. State tuition fund used only for teachers' salaries. Excess, if any, to be transferred to general fund.

PART IV _ continued (7)

Section 15-29-08 - School board of a public school district has power to levy a tax upon the property in the district for school purposes (as provided in Title 57, Taxation).

Section 15-29-12 - School district treasurer shall keep account of receipts and expenditures of each fund of the district; prepare report on finances of the district; pay out district moneys on presentation of warrant (Sec. 15-29-13).

Section 15-29-13 - Treasurer to pay out moneys only upon presentation of warrant of president of school board. Form of warrant prescribed by superintendent of public instruction.

Section 15-43-09 - When school board of any school district deems it desirable or necessary, or whenever such board is petitioned to do so by two-thirds of voters of district, it shall provide free textbooks and supplies, such books to be paid for out of funds of the district.

Section 15-48-01 - Whenever petition signed by one-third of electors requesting that the school board submit to electors the question of increasing the debt limit 5% on assessed value of taxable property beyond the 5% constitutionally fixed, board must submit such question to electors at next annual school election or special election.

/Apparently, Title 57, Taxation (not included within this reprint of the school code) would have additional provisions re financing schools./

Topic 11 - Regulating use

Sec. 15-21-04 empowering the State Superintendent with general supervisory powers over the schools, Sec. 15-21-10 authorizing him to meet with county supervisors, Sec. 15-21-13 requiring him to furnish forms, lists, etc. and Sec. 15-21-14 directing him to report to the governor provide authority for the regulation of AV aids at the State level.

Authority for local level regulation would be Sec. 15-22-09 giving general supervisory powers to the county superintendent, Sec. 15-22-10 empowering him to advise and direct teachers, Sec. 15-22-11 requiring him to carry out the State Superintendent's instructions, and Sec. 15-22-18 requiring him to make reports to the State Superintendent.

Sec. 15-29-08 granting general powers and duties of a school district board, i.e., organize, establish and maintain schools, purchase apparatus, textbooks, furniture and appendages, etc., also aids in local regulation of use of AV aids.

State: North Dakota

PART IV - continued (8)

Topic 12 - Distributing AV aids

See Topic 11, especially Sec. 15-29-08. That section provides in sub-part 8 that the school board shall purchase textbooks, furniture, and appendages and other supplies for the use of the pupils. This would imply that the board has the power to distribute the articles it purchases among the various schools and pupils. Also sub-part 9 gives to the school board custody and control of school property. Custody and control necessarily entails the power to distribute property as it sees fit.

Topic 13 - Producing AV aids

No applicable provisions. However, Sec. 15-47-36 (see Part III0, authoribing the State Superintendent to contract for educational television services, might be authority for participation in producing programs, etc.

Topic 14 - Certificating teachers

Sec. 15-21-09 - The State Superintendent is to have charge of the certification of teachers. He is empowered to issue two regular grades of certificates, second grade professional certificate and first grade professional certificate, Sec. 15-36-01. The second grade certificate holder is entitled to teach in any elementary grades, plus ninth and tenth grades, Sec. 15-36-04. The first grade certificate holder is entitled to teach in any of the public schools of the State.

The State Board of Higher Education shall determine the required courses for teachers to be taught in the State normal schools.

Sec. 15-21-18 - The State Board of Higher Education and the State Board of Public Education are to hold at least one joint meeting each year at the joint call of the State Superintendent and the Commission of Higher Education for the purpose of considering matters in relation to teacher training, teaching standards, and teacher certification.

Topic 15 - Prescribing qualifications

The following general provisions seem to be pertinent.

Sec. 15-21-10 authorizes the State Superintendent to meet with the county superintendents to discuss, among other matters, qualifications of teachers and methods of instruction.....

Sec. 15-21-11 authorizes the State Superintendent to call and conduct teachers' institutes.....This could be applied to training of personnel and qualifying same in AV aid techniques.

Sec. 15-38-01 - The superintendent of schools, in a district where a superintendent is employed, is to have general supervision of the professional work of the schools, including classification of teachers.

PART IV - continued (9)

Topic 16 - Accrediting schools

Sec. 15-21-09 provides that the State Superintendent shall have charge and supervision of.....the standardization of schools.

Sec. 15-22-10 directs the county superintendent to advise and direct the teachers, in regard to the instruction, classification, government, and discipline of the schools, and courses of study.

Topic 17 - Building or remodeling schools

Sec. 15-35-01 provides that no building to be used in whole or in part, as a public school building shall be erected until a copy of the plans thereof has been submitted to the State Superintendent who is designated as inspector of public school building plans and specifications.

Sec. 15-60-03 creates the State School Construction Fund for the purpose of constructing and improving public school buildings, and furnishing and equipping the same for use as public schools.

This fund is administered by the board whose purpose is to acquire land and contract for building and repair work.

Sec. 15-60-05 provides that any school district within the State shall have the power and authority to enter into contracts with the construction board to lease from the board, any school building constructed or improved by the board for at least twenty years. The funds paid on the lease will go to the purchasing of said building.

Sec. 15-29-08 provides that the school board of any school district has the power to (7) improve lots and sites, and to build, alter, enlarge, improve and repair such school houses as it may deem advisable upon lots and sites owned by the district.

Topic 18 - Federal aid

Sec. 15-21-07.1 provides that the State Superintendent may enter into agreements with any agency of the federal government in order to carry out purposes of any federal statutes pertaining to public education and may adopt necessary rules of administration to comply with any conditions necessary to obtain the full benefits of such federal statutes; provided that such agreements shall not impair rights and authority of local school districts and school boards in management and control of their local schools.

Topic 19 - State aid

Chapter 15-40 provides for State and county equalization funds. The State fund, Sec. 15-40-01 consists of all sums appropriated by the legislative assembly for that purpose from any source of income. One half of the total direct biennial appropriation plus all accumulations from other sources, shall be the amount available in the fund for the current year.

State: North Dakota

PART IV - continued (10)

Sec. 15-40-02 creates the county equalization fund. It shall consist of the taxes collected by virtue of the 21 mill levy made as provided by Sec. 57-15-24, payments from the State equalization fund (above) and the balance remaining from collections of the per capita school tax under the provision of Sec. 57-15-23 after deductions made pursuant to Sec. 15-39-23. This fund is distributed according to Sec. 15-40-14 and Sec. 15-40-24.

Sec. 15-40-05 creates an emergency fund. A part of the State equalization fund, it consists of the amount appropriated by the legislative assembly from time to time to aid financially distressed schools.

Sec. 15-44-01 creates a State Tuition Fund. It consists of the net proceeds arising from all fines for violation of State laws, from leasing the school lands, and the interest and income from the State permanent school fund.

Sec. 15-44-03. The State Superintendent shall apportion such fund among the several counties in proportion to the number of children of school age residing in each.....

Sec. 15-44-04 - The county superintendent shall apportion the State tuition fund to the several school districts which are entitled to any portion of such fund in proportion to the number of children residing in each district over six years of age and under twenty-one years of age.....

Sec. 15-44-09 - All such funds shall be kept in the possession or under control of, and shall be paid out by, the school district treasurer, except as otherwise provided by law.

(Other State aid discussed in Topics 10 and 17.)

Topic 20 - Private aid

Sec. 15-29-12 - The treasurer of a public school district is to keep safely in his possession or under his control all school moneys coming into his hands and is to receive and have custory of all moneys from every source which the school board of the district is authorized to receive.

Sec. 15-60-03 - The State construction fund board may receive property by purchase, lease or otherwise.

Topic 21 - Library programs

Sec. 15-21-13 - The State Superintendent shall prepare and furnish to school officers, through county superintendents, lists of publications approved by him as suitable for district libraries. Such lists shall contain the lowest price at which each publication can be purchased and such other information relative to purchase of district libraries as he may deem requisite.

State: North Dakota

PART IV _ continued (11)

Topic 22 - Research programs

Sec. 15-21-10 - The State Superintendent is to meet with the county superintendents to accumulate facts relative to schools, to compare views, to discuss principles, and to hear discussions and suggestions relative to qualification of teachers, methods of instruction, textbooks, institutes, visitation of schools, and other matters relating to the public schools.

Topic 23 - Institutes

Sec. 15-21-11 empowers the State Superintendent to prescribe rules and regulations for holding of teachers' institutes and training schools.

Sec. 15-21-12 provides that, when practicable, the State Superintendent shall attend and assist at these teachers' institutes.....

Sec. 15-22-11 directs the county superintendent to convene teachers' meetings and conferences.

Topic 24 - Other established procedures

Sec. 15 - 22-13 provides that for the purpose of discussing plans and methods for the improvement and general care of the schools, the county superintendent shall convene the members and clerks of the several boards of schools under his supervision. This is to be done once a year.

Sec. 12-21-18 (cited in Topic 14) provides for a joint meeting of the Board of Higher Education and the State Board of Public Education at least once a year for the purpose of considering matters in relation to teacher training, standards and certification.

OHIO (1959-60)

Enrollment in full-time public schools:	
Elementary	1,469,707
High School	436,288
Number of school districts (including non-operating)	936
Number of elementary schools	3,024
Number of high schools (including junior high)	1,113
Expenditure per pupil in average daily attendance	$392

Source: U. S. Department of Health, Education, and Welfare, *Preliminary Statistics of State School Systems, 1959-1960* OE-20006-60, pp. 6-7, 9, 11.

OHIO

County and Independent School Superintendencies

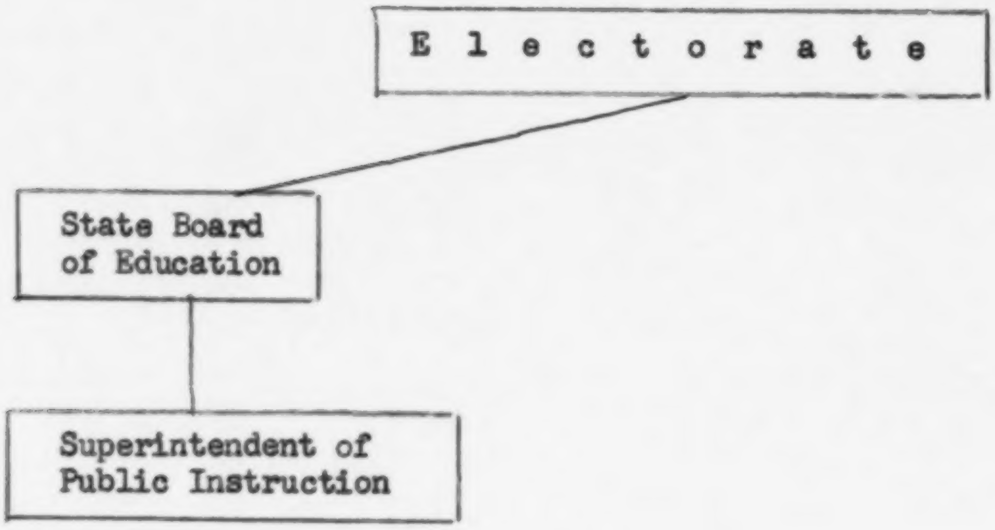
There are 305 school superintendencies in the State: 86 county-intermediate superintendencies, 1 complete county-unit superintendency, 1 partial county-unit superintendency, and 217 independent city or town superintendencies. The superintendents of the 86 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, *Education Directory, 1960-61*, Part 2, OE-20005-61, p. 151.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 121-123,
as amended by Drury's Ohio School Guide, 1957 supplement.

OHIO

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 23 members. The State of Ohio is divided into 23 districts to coincide with the congressional districts and one member of the State board of education is elected from each of the 23 districts for 6-year overlapping terms. Each member shall be a a qualified elector residing in the territory composing the district from which he is elected.

b. High School Board (advisory).--Composed of 5 members, the assistant superintendent of public instruction and 4 members of the staff of the department of education appointed by the superintendent of public instruction for indefinite terms. The board serves as an advisory body to the superintendent of public instruction in matters concerned with the classifying and chartering of high schools.

3. Chief State School Officer

The superintendent of public instruction is appointed by the State board of education. No one who is interested financially in any book publishing or book selling company, firm, or corporation, shall be eligible to appointment. The superintendent of public instruction serves as secretary to the State board of education and is the executive and administrative officer of the State board of education in its administration of all educational matters and functions under its control.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction is responsible for the coordination of the State program of public elementary and secondary education.

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction is secretary to the State board of education and executive and administrative officer of the State board of education.

The assistant superintendent of public instruction is a member of the high school board.

9. Fiscal Coordination

Eight educational agencies file budgets with the State director of finance: ......(b) superintendent of public instruction...... Duplicate copies of their budgets are also filed with the chairmen of the finance committees of the senate and the house of representatives.

The director of finance is appointed to his office by the governor, with the advice and consent of the senate, and serves at the governor's pleasure. The director of finance may disapprove the entire budget of any educational agency, require a reduction in the total amount, and eliminate or reduce specific items in the budgets. He has the authority and responsibility, under the direction of the governor, to consolidate the budget requests for all State agencies and, in the light of the best evidence available, to determine the amount to be recommended in the proposed State budget. The governor presents the proposed budget to the legislature with his budget message.

State: Ohio

Source of information unless otherwise stated: Baldwin's Ohio School Laws, Annotated, 1958, Cleveland: Banks-Baldwin Law Publishing Company.

PART I

Educational Organization

State level:

Department of Education: called Department of Education

how organized: consist of State Board of Education, Supt. of Public Instruction, and staff, Sec. 3301.13

established by: Sec. 3301.13

is it a body corporate: no

State Board of Education: called State board of education

established by: Sec. 3301.011

is it a body corporate: no

composition: 23 members, Sec. 3301.011

how selected: elected, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: governor & general assembly, Sec. 3301.07

term of office: 6 years, Sec. 3301.021

Chief state school officer: called Superintendent of Public Instruction

office established by: Sec. 3301.08

how selected: State Board of Education appoints, ibid.

is confirmation necessary: no

subject to what control: State Board of Education, Sec. 3301.11

to whom reporting: State Board of Education, Sec. 3301.12

term of office: serves at pleasure of the board, Sec. 3301.08

staff and who appoints:

Other organization or official: called

State: Ohio

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called county school district, Sec. 3311.01

how organized:

composition: within territory of county but exclusive of any school district in county., Sec, 3311.05

is it a body corporate:
no, board is

Board of education: called Board of Education

established by:

is it a body corporate: yes, Sec. 3313.17

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called superintendent

office established by: Sec. 3319.01

how selected: appointed by board of education of district, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 5 years, Sec. 3319.01

staff and who appoints: board of education appoints asst. supt. Sec. 3319.02

State: Ohio

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called local school districts, Sec. 3311.01

how organized:

composition: any school district other than city, exempted village school, county, joint high school or joint vocational school district, 3311.03

is it a body corporate: no, board is.

Board of education: called Board of Education

established by: Sec. 3313.01

is it a body corporate: yes, Sec. 3313.17

composition: 5 members, Sec. 3313.01

how selected: elected, Sec. 3313.01

is confirmation necessary: no

subject to what control:

to whom reporting: County superintendent of schools, Sec. 3319.33

term of office: 4 years, Sec. 3311.26

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Ohio

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called exempted village school districts Sec. 3311.01

how organized:

composition: *continued as exempted village school district from September 16, 1943, Sec. 3311.04

is it a body corporate: no, board is

Board of education: called Board of Education

established by:

is it a body corporate: yes, Sec. 3313.17

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting: State Board of Education, Sec. 3319.33

term of office:

Administrative officer of unit: called superintendent

office established by: Sec. 3319.01

how selected: appointed by board of education of district, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 5 years, Sec. 3319.01

staff and who appoints: board of education appoints asst. supt., Sec. 3319.02

*territory within the village must have 3,000 population; or village must have 2,000 or more population and out-lying territory must have sufficient population to bring over-all population to 3,000.

State: Ohio

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called city school district, Sec. 3311.01

how organized:

composition: within corporate limits of city, Sec. 3311.02

is it a body corporate: no, board is.

Board of education: called Board of Education

established by: Sec. 3313.02

is it a body corporate: yes, Sec. 3313.17

composition: (a) 3-5 members in cities less than 50,000; (b) 2-7 member in cities more than 50,000 and less than 150,000; (c) 5-7 members in cities of more than 150,000 population. Sec. 3313.02

how selected: elected, 3313.02

is confirmation necessary: no

subject to what control:

to whom reporting: State Board of Education, Sec. 3319.33

term of office: 4 years, Sec. 3313.09

Administrative officer of unit: called superintendent

office established by: Sec. 3319.01

how selected: appointed by board of education of district, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 5 years, Sec. 3319.01

staff and who appoints: board of education appoints asst. supt., Sec. 3319.02

State: Ohio

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called (a) joint high school district, 3311.11
(b) joint vocational school district, 3311.16

how organized:

composition: boards of education of two or more adjoining school districts may unite for purposes of high school or vocational school education, ibid.

is it a body corporate: no

Board of education: called

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Ohio

PART I

Educational Organization (continued)

Schools

Principals

appointed by:

qualifications:

term of office:

Teachers in city, exempted village, and local school districts

appointed by: employed by board and nominated by supt., Sec. 3319.07

qualifications:

certification:

tenure:

special assignments:

State: **Ohio**

Source of information unless otherwise stated: **Baldwin's Ohio School Laws, 5th Ed (with 1961 Leg. Service)**

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Sec. 3301.07 Powers of state board.

The state board of education shall exercise under the acts of the legislature general supervision of the system of public education in the state of Ohio. In addition to the powers otherwise imposed on the state board under the provisions of law, such board shall have the following powers:

A. It shall exercise policy forming, planning and evaluative functions for the public schools of the state, and for adult education, except as otherwise provided by law.

B. It shall exercise leadership in the improvement of public education in Ohio, and shall administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, finance, and organization of school districts and territory. Consultative and advisory services in such matters shall be provided by the board to school districts in this state.

C. It shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, clerks of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

D. It shall formulate and prescribe minimum standards to be applied to all elementary and high schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately for: curriculum sufficient to meet the needs of pupils in every community; the certification of teachers administrators and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds health and sanitary facilities and services, admission of pupils, and such requirements for their promotion from grade to grade as will assure that they arec apable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the Board findsnecessary.

* * *

G. It shall cooperate with federal, state and local agencies concerned with the health and welfare of children and youth of the state of Ohio.

H. It shall require such reports from school districts, school officers, and employees as are necessary and desirable.

3301.12 Other duties of superintendent of public instruction.

The superintendent of public instruction in addition to the authority otherwise imposed on him shall perform the following duties:

A. He shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils, personnel problems, and the interpretation of school laws and state regulations.

B. He shall prescribe and require the preparation and filing of such financial and other reports from school districts, officers, and employees as are necessary or proper. He shall prescribe and require the installation by school districts of such standardized reporting forms and accounting procedures as are essential to the businesslike operations of the public schools of the state.

D. He shall conduct such studies and research projects as are necessary or desirable for the improvement of public school education in Ohio, and such as may be assigned to him by the state board of education.

* * *

3313.47 Management and control of schools vested in board of education.

Each city, exempted village, or local board of education shall have the management and control of all ofthe public schools of whatever name or character in its respective district. * * *

3313.37 Construction and repair of schoolhouses; purchase or lease of land.

The board of education of any school district, except a county school district, may build, enlarge, repair and furnish the necessary schoolhouses, purchase or lease sites therefor, or rights of way thereto, or purchase or lease real estate to be used as playgrounds for children or rent suitable schoolrooms, either within or without the district, and provide the necessary apparatus and make all other necessary provisions for the schools under its control.

* * *

3313.841 Contract for sharing services of supervisory, special instruction and special education teachers; compensation.

The boards of education of two or more county, city, or exempted village school districts may contract with each other for the sharing on a cooperative basis for their districts the services of supervisory teachers, special instruction teachers, and special education teachers.

* * *

3315.02 Board to provide funds; control; purpose; commissioners of sinking fund.

The board of education of every district shall provide by a tax levy for thepayment of theannual interest on its bonded indebtedness, for the payment of its serial bonds as they mature, and for a sinking fund for the extinguishment of its other bonded indebtedness, which funds shall be managed and controlled by a board of commissioners designated as the "board of commissioners of the sinking fund of ....", * * *.

3315.06 Programs, records, educational meeting.

The board of education of each county school district may provide programs, examinations, school records, diplomas, and other necessary supplies and equipment for the use of the county superintendent in furthering the instructional program of the county school district. The board of education of each county school district may pay the expenses of all educational meetings called by such board and may call a meeting of the members of theboards of all local school districts within the county at least once each year for the purpose of discussing the matters relating to the schools, for which each member shall bepaid from the general fundx of the local school district, the same compensation as authorized by section 3313.12 of the Revised Code. * * *

3315.061 County Board of education may expend funds for studies and surveys.

A county board of education may expend funds for the purpose of conducting studies or surveys pertaining to school district organization and building needs, curriculum and instructional needs, and needs for improved or additional services that may be rendered by such board. A county board of education may publish reports prepared in connection with such activities.

3315.07 Instructional program for employed personnel; supplies and equipment for local school districts.

The board of education of each city and exempted village school district may provide an instructional program for the employed personnel of such district. Such board may provide the necessary bulletins and instructional material in connection therewith and pay the cost of meetings held for the purpose of carrying out such a program.

The board of education of each city, exempted village, local, or county school district may provide bulletins or other materials necessary for the effective administration of the schools of such district.

Boards of education of local school districts may authorize their county board of education ot purchase or to accept upon donation supplies and equipment for such local school districts and to pay the transportation, handling, and storage charges involved in securing such supplies and equipment for the local school districts. Upon such authorization, the county ~~xxxxxx~~ board of education may make such purchases or accept such donations and pay from the countyboard of education fund the cost of such supplies and equipment and the transportation, handling and storage charges involved. The local boards shall reimburse in full the county board for all such expenditures on their behalf.

/With reference to the above, the Ohio AG has ruled that boards of education are authorized to provide instruction in penmanship for teachers of such school districts, except for local boards of education, i.e., boards of education of cities and exempted villages may so act./ 1949 OAG 1281.

3315.09 Contract for special instruction

The boards of educationof any city schooldistricts may enter into contract for a term not exceeding one year, upon such terms as each board deems expedient, with each other, or with the trustees or other authorized officials of any college or university, legally organized, for the purpose of obtaining in such school district instruction in the special, technical professional, or other advanced studies which may be pursuedin such college or university beyond the scope of the public high school. In like manner such boardsmay contract for a term, not exceeding one year, with each other or with a private corporation or association not for profit, maintaining and furnishing a museum of art, science, or history, or providing musical instruction, for the purpose of obtaining in such school district such instruction or other educational services as can be rendered to the schools by such private corporation or association.

CH. 3318
3318.01 Definitions

* * *

(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, including the acquisition, construction, reconstruction and other improvements of buildings and structures, and the acquisition of sites therefor.

3318.03 Review of needs in applicant district.

The state board of education shall review each application and make a determination of the needs of the school district for additional classroom facilities, the amount of the cost thereofthat the school district can supply from available funds, by the issuance of bonds previously authorized by the electorsof the school district the proceeds of which can lawfully be used for the project, and by theissuance of bondsunder section 3318.05 of the Revised Code, the remaining amount of the estimated cost thereof that shall be supplied by the state, and the priority of the need assigned to the school district based on the relative degree of overcrowing of existing satisfactory classroom facilities.

* * *

[Secs. 3318.04 - .13, 1961 Leg Supp. proceed to set forth in detail the steps to betaken with referenceto theabove funds, including, for example, the awarding of construction bids, investment of funds, transfer of funds, issuance of bonds, preparation of plans etc.]

3319.03 Business manager. [Creates position of business manager elected by the board of education of each city school district]

3319.04 Power and duties of business manager

The business manager shall have the care and custody of all property of the school district, real or personal, except moneys, supervise the construction of buildings in the process of erection, and the maintenance, operation, and repairs thereof, advertise for bids, and purchase and have custody of all supplies and equipment authorized by the board. He shall assist in the preparation of the annual appropriation resolution, shall appoint and may discharge, subject to confirmation by the board, noneducational employees, and shall prepare and execute all contracts necessary in carrying out this section. * * *

3329.01 Filing and preservation of copies of books and price lists before adoption [Requires publisher of schoolbooks desiring to have books used by Ohio pupils to file list indicating wholesale price of books before use by pupils can be authorized]

[1924 OAG 471 confirms fact that unless a book is listed, it cannot be adopted foruse not can it be purchased by a board of education]

3375.14 School libraries

The board of education of any city, exempted village, or local school district may provide for the establishment, control, and maintenance of school libraries for the purpose of providing school library service to the pupils under its jurisdiction. Such board of education may contract with any public board, association, or other organization operating a public library in a community to furnish such school library service, the board of education paying all or such part of the expense thereof, including the salaries of school librarians, as compensation for the service rendered, as the two boards shall agree upon as terms of the contract, provided that nothing in this section shall prevent such public board, association, or other organization operating a public library from providing classroom collections, operating bookmobiles, branches, or themain library of a public library, notwithstanding the fact that such branches or main library may be located within a school building.

Such board of educationmay purchase, erect, construct, enlarge, extend, or improve buildings for library purposes, including sites therefor, and equip and furnish such buildings.

3375.17 /Permits board of education to levy tax upon taxable property of district for support of school district library/

3374.40 Powers of boards of library trustees.
Each board of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code may:

* * *

(B) Expend for library purposes, and in the exercise of the power enumerated in this section, all moneys, whether derived from unclassified property taxes or otherwise, credited to the free public library under its jurisdiction and generally do all things it deems necessary for the establishment, maintenance, and improvement of the public library under its jurisdiction;

/Of some interest are the provisions, new in 1961, creating technical institutes in Ohio, these institutes being institutes of education post high school for the principal purpose of providing for the people a program of technical instruction. One provision of some interest is set forth below./

3357.09 Powers of board.
The board of trustees of technical institute district may:

* * *

(H) Authorize, approve, ratify, or confirm any agreement relating to any such institute with the United States government, acting through any any agency of such government designated or created to aid in the financing of such projects, or with any person, organization, or agency offering grants in aid in financing such educational facilities or the operation of such facilities:

* * *

3303.04 Co-operation with U.S. office of education /Provides for cooperation with U.S. Government in area of vocational education under the act of congress/

307.22 Bequests for educational purposes. /Provides board of county commissioner with power to receive bequests and gifts of real and personal property to promote and advance the cause of education in the county./

State: Ohio

Source of information unless otherwise stated: **Baldwin's Ohio School Laws, 1957, 1959, 1961; and Annual Report of the State Board of Education to the Governor and to the Members of the General Assembly, 1960, Columbus, Ohio.**

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

The following citations have to do with audio-visual media in use in the Ohio public schools:

Sec. 3317.16. Contributions to educational television foundations.

Where there is an educational television foundation which is incorporated under sections 1702.05 to 1702.27, inclusive, of the Revised Code, and organized for the purpose of serving educational needs through radio-television programming, boards of education may pay such educational television foundation annually, or in quarterly installments, a sum not to exceed one half of one cent on each one hundred dollars of the taxable property of their respective taxing district. The first of such payments may be made in the year 1955. All programs shown within any classroom or school must be supervised by the local board of education contracting for said programs. (126 v 38. Eff. 7-7-55.)

Sec. 3353.02 Ohio educational television network commission; term; vacancies; payment of expenses.

There is hereby created the Ohio educational television network commission which shall consist of nine members, one of whom shall be the state superintendent of public instruction. The remaining eight members shall be appointed by the governor subject to the advice and consent of the Senate. The terms of the members shall be for four years except that originally two members shall be appointed for a term of one year, two members for a term of two years, two members for a term of three years, and two members for a term of four years. Vacancies shall be filled by appointment to the unexpired terms. The members of the commission shall serve without pay but shall receive actual and necessary traveling and other expenses incurred while on official business in the manner and at the rates provided by the rules and regulations of the department of finance governing travel. (129 v S 393. Eff. 10-5-61)

State: Ohio

PART III - continued (2)

Sec. 3353.03 Offices, equipment; funds.

The Ohio educational television network commission shall be an independent agency of the state government but shall be in the department of finance for administrative purposes only. The department shall provide the commission with suitable office space, equipment, and materials. The commission shall elect its own officers, prescribe its own rules of procedure, and employ such personnel as are necessary to carry out its functions. Expenses of the commission may be paid from funds appropriated to the commission, or from such other funds as may be made available to carry out the provisions of sections 3353.01 to 3353.04, inclusive, of the Revised Code. (129 v S 393. Eff. 10-5-61)

Sec. 3353.04 Powers of commission.

The Ohio educational television commission may:

(A) Own and operate transmission facilities and interconnection facilities, or contract for transmission facilities and interconnection facilities, for an educational television network;

(B) Establish standards for interconnection facilities used in the transmission of educational television by the commission;

(C) Enter into agreement with noncommercial educational television broadcasting stations for the transmission to the broadcasting stations of identical programs for broadcasting either simultaneously or through the use of transcription discs, tapes, or film;

(D) Enter into agreements with noncommercial educational television production centers and broadcasting stations for the production and use of educational television programs to be transmitted by the educational television network;

(E) Execute contracts and other agreements necessary and desirable to carry out the purposes of sections 3353.01 to 3353.04, inclusive, of the Revised Code;

(F) Determine programs to be distributed through the Ohio educational television network. (129 v S 393. Eff. 10-5-61)

Sec. 3375.40. Powers of boards of library trustees.

> [Boards of library trustees are authorized to contract with one of such boards of library trustees for the joint purchasing of supplies, equipment, books, records, films, and other library materials, and for the paying by each such library of the proportionate share of such joint purchases. 1960 OAG 1504].

PART III - continued (3)

(Am. Sub. Senate Bill No. 435, Reg. '59 Ses.)

AN ACT: To create an interim commission to study educational television in Ohio

Be it enacted by the General Assembly of the State of Ohio:

Section 1. There is hereby created the Ohio interim educational television study commission which shall consist of nine members, all of whom shall be citizens of this state. They shall be appointed by the governor and shall serve at his pleasure. The commission shall consist of the following members: the State superintendent of public instruction, one person from a tax-supported institution of higher education, one person from a nontax-supported institution of higher education, one person from the Ohio council on educational television, one person from the Ohio association of broadcasters, and four other persons. The commission is directed to make a study of educational television for this state as indicated in the following sections, and shall submit its final report to the 104th General Assembly not later than January 15, 1961.

Section 2. The commission shall establish and maintain an office in Columbus for the duration of the study. Members shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties, on vouchers approved by the chairman.

Section 3. The commission shall conduct an engineering study, and such other studies as may be necessary, to determine the feasibility, the costs, and the requirements for establishing and providing state-wide educational television network services whereby the educational television programs, station facilities, and channels, now in use or obtainable, may be made available to every Ohio citizen in and out of school.

Section 4. The commission in these studies shall also explore with other state agencies, such as the departments of highways, highway safety, and natural resources which have or may have needs for state-wide interconnected broadcasting facilities, the feasibility of developing a single state-wide system of interconnection for joint cooperative use.

Section 5. The commission with the approval of the director or finance may employ such technical and other personnel as may be required to carry out the intent and purposes of this act.

Section 6. The commission shall advise the superintendent of public instruction with respect to the expenditure of any federal moneys which may be made available to his office for the establishing or improving of educational television broadcasting facilities within the state. (128 v S 435. Eff. 11-4-59.)

(This act is not of a permanent nature and does not require a code sectional number.)

State: Ohio

PART III - continued (4)

In the flow chart of organization patterns in operation within the State Department of Education, it is revealed that there is a Division of Audio-Visual Education under the supervision of the Assistant Superintendent for Instruction (page 7 of the Annual Report of the State Board of Education).

"The Division of Audio-Visual Education offers two types of services to Ohio's schools; professional field services and a free loan educational film and slide service.

Professional Services

Personnel in the Division assist school personnel in organizing and staging demonstrations, clinics, and conferences for teachers, school administrators, school board members, and interested laymen. Through these types of activities, participants are acquainted with the wide variety of audio-visuals currently available and the most effective utilization of the materials in the educational classroom.....

Educational film-slide service

Providing film and slide services to school systems is an important contribution to the educational programs of Ohio's schools. The Division has a library consisting of over 2,250 film titles, approximately 1,100 reels of film and 415 titles of film slides. All 88 counties were served on a request basis with an estimated total of 20 million viewers. School programs, during the academic year 1959-60, were supplemented through the usage of 36,000 film shipments, averaging 5 reels per shipment making a total of 179,000 films shipped and used. (page 21 of the Annual Report of the State Board of Education)"

State: Ohio

Source of information unless otherwise stated: Baldwin's Ohio School Laws, 5th Ed. (with 1961 Leg. Service)

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids

Because of the provisions relating to educational TV, there are several provisions applying directly to the planning of the use of AV aids (infra). There are, in addition, several pertin- general provisions as well (infra)

Yes 3. Preparing curricula

There are several provisions touching directly upon this subject, although there appear to be no detailed provisions. (see discussion infra)

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

There appear to be no specific provisions relating to the furnishing to subordinate units of lists of material available. However, a couple of general provisions might be of some assistance (see discussion infra)

Yes 5. Organizing AV units and cooperative activities

There appear to be no truly specific provisions in this area, although the ones affecting educational TV might apply. See discussion infra.

Yes 6. Conferring on AV use outside of State educational structure

Some essentially direct authority is contained in the educational TV area. The broad powers of the state board gives some general authority. See discussion infra.

State: Ohio

Source of information unless otherwise stated: Baldwin's Ohio School Laws, 5th Ed. (with 1961 Leg. Service)

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No	
Yes	2. Planning the use of AV aids Secs. 3317.16, 3363.04, 3301.07
Yes	3. Preparing curricula Secs. 3301.07, 3315.061
Yes	4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available Secs. 3301.12(A), 3315.06, 3301.07(B)
Yes	5. Organizing AV units and cooperative activities Secs. 3353.01-.04, 3313.841 See Item 24
Yes	6. Conferring on AV use outside of State educational structure Secs. 3353.04(C)(D), 3301.07(G), 3303.04. See Item 24

State: Ohio

PART IV (continued)

Yes or
No

Yes 7. Selecting AV aids (and observing academic freedom)
There is one specific provision in the educational TV area. However, several general provisions seem to afford great lattitude in this area. See discussion infra.

Yes 8. Selecting textbooks (and observing academic freedom)
There is a whole chapter devoted to schoolbooks, Ch. 3329. However, specific standards regarding type of textbooks do not appear to be present; there are considerable provisions regarding the method of obtaining textbooks, however. Discussion infra.

Yes 9. ~~Acquiring AV~~ aids and school supplies, equipment, and textbooks
Specific provision present in educational TV area. However, there are several good general provisions giving the state board and superintendent of public instruction broad power in this area. Discussion infra.)

Yes 10. Financing acquisition by rent or purchase
Very little in this area. See discussion infra.

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
Several broad powers enabling such reports to be prescribed, although none appear to be presently prescribed. Discussion infra.

Yes 12. Distributing AV aids
Some direct application in educat. TV area. But suprisingly little on other matters, although clear that AV aids are distributed to local users (See annual report, Part III and discussion infra)

Yes 13. Producing AV aids
Specifically, only in educat. TV area. See discussion infra.

Yes 14. Certificating teachers and AV professionals
Fairly good general power in state board. See discussion infra.

Yes 15. Prescribing qualifications of using personnel
Several good broad provisions, see discussion infra.

State: Ohio

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
Secs. 3353.04(F), 3375.40, 3301.07(B), 3301.07(D)

Yes 8. Selecting textbooks (and observing academic freedom)
Secs. 3329.01, 3329.02, 3329.03, 3329.04, 3329.05, 3329.07, 3329.08

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
Secs. 3353.04(E), 3301.07(D), 3313.37, 3313.47, 3318.01(B), 3318.03

Yes 10. Financing acquisition by rent or purchase
Secs. 3301.07, 3353.04(A), 3353.04(E), 3313.45

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
Secs. 3301.07(C), 3301.07(D), 3301.12(B), 3319.33

Yes 12. Distributing AV aids
Sec. 3353.04(F), 3301.07, 3301.12, 3301.12(A),3301.07(B)

Yes 13. Producing AV aids
Secs. 3353.04, 3353.04(A)

Yes 14. Certificating teachers and AV professionals
Sec. 3301.07(D)

Yes 15. Prescribing qualifications of using personnel
Secs. 3301.07(D), 3319.23, 3319.08, 3315.07

State: Ohio

PART IV (continued)

Yes or
No

Yes 16. **Accrediting schools**
Minimum standards may be established, but no real specific provisions as regards AV material or specific accrediting of schools. (discussion infra) See Item 19.

Yes 17. **Building or remodeling schools to facilitate AV use**
There are a considerable number of provisions with respect to building and remodeling schools for AV use, or at least possible construction to include AV use (discussion infra)

Yes 18. **Federal aid to schools**
There are several provisions with respect to federal aid. (discussion infra)

Yes 19. **State aid to schools**
There are the normal provisions with regard to state aid in the form of a Foundation Program. (Discussion infra)

Yes 20. **Private aid to schools**
There are only broad provisions permitting receipt and use of private gifts. (discussion infra)

Yes 21. **Library programs**
A large sized chapter is devoted to the library program, with several provisions potentially aiding in the AV aid area. (discussion infra)

Yes 22. **Research programs**
There are two specific provisions with reference to research programs to improve instructional aids etc. (discussion infra)

Yes 23. **Institutes**
One specific provision authorizes such institutes (discussion infra)

Yes 24. **Other established procedures**
One provision, in particular, relating to joint efforts with other states, discussion infra.

State: Ohio

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
Sec. 3301.07(D)

Yes 17. Building or remodeling schools to facilitate AV use
Art. VIII, Sec. 2e
Secs. 3313.37, 3315.061, 3313.46, 3318.01(B), 3318.03, 3318.04, 3318.05, 3318.08(D), 3318.091, 3375.14, 133.17, 133.18

Yes 18. Federal aid to schools
Secs. 3301.07(C), 3301.41, 3301.43

Yes 19. State aid to schools
Sec. 3317.02, 3317.041, 3317.14, 3317.16, 3301.07(C)

Yes 20. Private aid to schools
Sec. 3313.36, 307.22

Yes 21. Library programs
Sec. 3375.14, 3375.16, 3375.17, 3375.19, 3375.23, 3375.24, 3375.40(B)

Yes 22. Research programs
Sec. 3315.061, 3301.12(C)

Yes 23. Institutes
Sec. 3319.23

Yes 24. Other established procedures
Secs. 3315.09, 3301.46

2. Planning the use of AV aids

Sec. 3317.16 (*supra* Part III) provides for contributions to an educational television foundation. The planning aspect of this section is contained in the last sentence which provides that "All programs shown within any classroom or school must be supervised by the local board of education contracting for said programs." Presumably, this provides the local board of education with the necessary control over the use of educational television.

Section 3363.04 (*supra* Part III) notably, in subsection (F) states that the Ohio educational television commission may "Determine programs to be distributed through the Ohio educational television network." Again, controls for planning the use of educational television are specifically established.

General broad provisions are contained in Section 3301.07 (*supra* Part II). As noted, subsection (A) provides the state board of education with general policy forming and planning functions with regard to the public schools of the state. Subsection (B) notably indicates that the state board shall "administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, * * *" Hence, this provision specifically permits the state board to carry out state educational policies specifically with respect to instructional material, which could well cover AV aids and the planning of their use. Likewise, subsection (D) indicates that the board shall prescribe minimum standards with regard to efficient and effective instructional materials and equipment.

3. Preparing curricula

Sec. 3301.07, discussing the powers of the state board ofeducation, states in subsection (D) (*supra*) that the state board shall "formulate and prescribe minimum standards to be applied to all elementary and high schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately for: *a curriculum sufficient to meet the needs of of pupils in every community; * * ** (Emphasis added.)

Sec. 3315.061 allows the county board of education to expend funds for the purpose of conducting studies and surveys. Among other items, these studies and surveys may pertain to curriculum and instructional needs. Hence, presumably, this provision permits the lower echelon to report on the needs of the curriculum and recommend changes thereto.

4. Advising subordinate units and teachers on use of AV aids and publishing listsof material available.

Sec. 3301.12(A) (*supra* Part II) gives the superintendent of public instruction the duty of providing technical and professional assistance to all school districts specifically, in part, with respect

instruction and equipment.
4. (con't) to school curriculum/ Presumably, advising these school districts of technical advances in instruction and equipment might well include advising them on the use of new AV aids as teaching tools.

See also Sec. 3315.06 where the board of education of each county school district may provide necessary supplies and equipment for use by the county superintendent in furthering the instructional program of the county school district. (Section set forth supra, Part II)

Section 3301.07(B) contains the general provision that the state board of education should provide consultative and advisory services to school districts in the state. Again, this provision could be interpreted to apply to the advising of subordinate units of the existence of AV aids.

5. Organizing AV units and cooperative activities
See generally, provisions respecting educational TV contained in Sections 3353.01 - .04, supra Part III.

Compare Section 3313.841, supra Part II, relating to cooperative endeavors between boards of education~~a~~ of two or more school districts to share, on a cooperative basis, the services of supervisory teachers, special instruction~~x~~ teachers, and special education teachers.
See Item 24

6. Conferring on AV use outside of State educational structure.
The specific provisions are contained in Section 3353.04(C)(D), supra, Part III, relating to educational TV. Basically, agreements with noncommercial educational television broadcasting stations is authorized for the production and broadcasting ~~ex~~ of educational TV programs.

Some general authority might be obtained from Sec. 3301.07(G), supra, Part II, relating to the duties of the state board of education. There it is provided that the board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children of Ohio. Possibly, this broad grant would cover all conferences on AV aids.

see also Sec. 3303.04 relating=to cooperation with office of education, but with respect to vocational education matters.

See Item 24

7. Selecting AV aids (and observing academic freedom)

Under the specific educational TV provisions, (Sec 3353.04(F) specifically), the Ohio educational television network commission determines the programs to be distributed, which, of course, would assume the selection of AV material.
See also 1960 OAG 1504, supra Part III, authorizing the boards of library trustees to contract for the purchase of, among other things, films. This is under the powers granted by Sec. 3375.40.

The remaining provision is, again, the general provision concerning the state board of education which has the duty of exercising leadership in the improvement of public schools and administering the educational policies of Ohio relating to, among other things, instructional material. (Sec. 3301.07(B), supra) Sec 3301.07(D) also requires the state board to provide adequate standards for instructional materials and equipment. There appears to be ample authority, of a general nature, for the state board to obtain AV materials which would seem to be included in the phrase "instructional material".

8. Selecting textbooks (and observing academic freedom)

There appear to be no provisions concerned specifically with the selection of textbooks, although a whole chapter is devoted to schoolbooks, Chapter 3329. Basically, this chapter is concerned with the manner in which apublisher can get his books into the educational system. Sec 3329.01 makes it quite clear that a publisher must file with the superintendent of public instruction a wholesale price list before the books can be adopted for use.

Sec 3329.02 relates to the establishing of a maximum price to be paid by the state board of education, this price being fixed by the superintendent of public instruction, and to the contract signed with the publishers. Notably, once the publisher accepts the maximum price fixed, he may offer the book "so filed for sale to such boards /presumably local boards of education/***"

Sec 3329.03 sets forth the penalties if the publisher breaches the contract. By implication, it appears that the local boards of education have the discretion to adopt or not adopt any book which is properly listed with the superintendent of public instruction. This fact comes out in Sec. 3329.04 which forbids local boards from adopting any book unless it is so listed. (See below for specific section)

Sec 3329.05 allows local boards to purchase supplementary reading books, library books, reference books or any other books except textbooks in the same manner as supplies and equipment are purchased.

Sec. 3329.07 makes it clear that the board of education of each city, exempted village and local school district must ascertain which books from the superintendent's list should be chosen. Moreover, Section 3329.08 goes on to provide specifically, that:

8. (con't)

> "At a regular meeting, held between the first Monday in February, and the first Monday in August, the board of education of each local school district from lists adopted by the county board of education and the board of education of city and exempted village school districts shall determine by a majority vote of all members elected which of such textbooks so filed shall be used in the schools under its control. No textbooks shall be changed, nor any part thereofaltered or revised, nor any other textbook substituted therefor, within four years after the date of selection and adoption thereof, as shown by the official records of such boards, except by the consent, at a regular meeting, of four fifths of all members elected thereto. Books so adopted shall be adopted for the full term of four years.

Notably, the county board of education cannot adopt a text book. 1917 OAG 1446.

The initial sentence of this section should be modified to include the above provisions although there are no standards established for the adoption of textbooks.

9. Acquiring AV aids and school supplies, equipment, and textbooks. (For textbook provisions, see Item No. 8, supra)

Specific provisions for AV aids are impliedly contained in Section 3353.04(E) (supra Part III) relating to the execution of any agreements necessary to carry out the purposes of the educational TV provisions.

Sec. 3301.07(D) provides generally that the state board of education must prescribe minimum standards which will provide adequately for efficient and effective instructional materials and equipment. Presumably, these standards would control the acquisition of supplies and equipment.

Sec 3313.37 (supra Part II) generally allows the board of education of any school district except a county school district furnish the necessary schoolhouses by purchase or rent and "provide the necessary apparatus and make all other necessary provisions for the schools under its control." General power of a broader nature is contained in Section 3313.47 relating to management and control of schools being vested in the local board of education.

Ch. 3318 covers "School Facilities". Classroom facilities are defined in Sec. 3318.01(B) and, although obviously concerned with buildings and permanent type structures, might be interpreted to apply to equipment for classrooms. (Supra Part II) If so, there are

9. (con't)
detailed provisions concerning the approval of such plans by the state board of education and the furnishing of needed funds by the state. See Sec. 3318.03, supra Part II.

10. Financing acquisition by rent or purchase

There appear to be no provisions concerning the raising of funds for such acquisition by any method other than a tax levy. However, conceivably, the broad powers given to the state board in Section 3301.07, supra Part II, might well authorize such a method of obtaining funds. However, conceivably, the Ohio educational television commission may own transmission facilities under Sec. 3353.04(A) and then, pursuant to the broad powers under subsection (E) of that section, rent them out. This is, of course, pure conjecture.

Although apparently not directly in point, Sec. 3313.45 does provide for the rental of mineral lands. In addition, the Ohio AG, in 1956 OAG 7225 ruled that a board of education may rent property owned by it which is not needed for school purposes and cannot be advantageously sold, including mineral lands and real property received by gift. There is no relationship between this section and those referring to the acquisition of AV materials, except that the funds from rental may well go into the general fund and may be appropriated for this purpose.

11. Regulating use of AV aids and keeping statistics on use and using personnel.

General powers to require boards of education to submit reports on the use of funds distributed to such boards is given to the state board of education in Sec. 3301.07(C), supra Part II. Subsection (D) goes on to give the state board the authority to require all necessary reports to comply with minimum standards, see specific provisions supra, Part II. On a similar plane, Sec. 3301.12(B) authorizes the superintendent of public instruction to require reports from school districts or officers as are necessary or proper.

Another general provision is Sec. 3319.33 which requires each local board of education to report the school statistics in its district to the state board of education (with the county superintendent the middle man in the case of reports from the board of each local school district.). What these statistics are is not spelled out; but the section indicates that they will be such information as the state board of education requires.

(Presumably, the maintenance of statistics will be followed with respect to educational TV in Ch 3353, supra, Part III)

12. Distributing AV aids

Sec. 3353.04(F) provides that the Ohio educational television commission may determine programs to be distributed through the Ohio educational television network. Since this is the only provision directly concerned with AV aids, there appear to be no other statutes or sections controlling the distribution of these Aids. How they are made available (as is indicated in the Annual Report of the State Board of Education (see Part III) is not clear. Presumably, the broad powers contained in Sections 3301.07 with respect to the state board of education and 3301.12 with respect to the superintendent of public instruction authorizes the distribution of these AV aids. See especially, Sec. 3301.12(A) requiring the superintendent to provide technical assistance with reference to equipment. See also Sec. 3301.07(B) which indicates that the state board must furnish consultative and advisory services in the area of instructional equipment, which again could provide the basis for the distributionof AV aids. No centers, however, appear to be established.

13. Producing AV aids.

Again, the educational TV sections (Ch. 3353, supra Part III) specifically in Sec. 3353.04, imply that the Ohio educational television commission may produce its own TV programs as well as own and operate transmission facilities (.04(A)).

For broad provisions see Item 12.

14. Certificating teachers and AV professionals.

Again Sec 3301.07(D) sets forth the general power of the state board with regard to the certification of teachers and other professional personnel and their assignment according to training and qualifications. Impliedly, this broad power grant covers the certificating of possibly AV professionals within the term "other professional personnel".

Other provisions contained in Sec. 3319.23 are set forth below in item 15.

15. Prescribing qualifications of using personnel

Sec. 3301.07(D) clearly, but by implication, gives the state board authority to set forth the qualifications of using personnel. More specific provisions are contained in Sec. 3319.23, which states in part as follows:

15. (con't)

> "The state board of education shall establish standards and courses of study for the preparation of teachers, shall provide for the inspection of institutions desiring to prepare teachers, shall approve such institutions as maintain satisfactory training procedures and shall properly certificate the graduates of such approved courses and institutions."

Clearly, the above provision gives the state board plenary power over prescribing qualifications for those teachers who may be called upon to use AV materials.

Under Sec 3319.08, the board of education of each city, exempted village, and local school district "may include in such contract [the contract with the teachers] duties beyond the regular duties and for such additional duties the salary of the teacher may be supplemented." It appears that this provision was aimed more at substantial duties such as coashing an athletic team (1960 OAG 1084) and not for operating AV aids; but the possibility that it could be interpreted to apply to AV uses is present.

Under Sec. 3315.07, supra Part II, referring to the instructional program for employed personnel, the Ohio AG in 1949 OAG 1281 ruled that boards of education of cities of exempted villages are authorized to provide instruction in penmanship for teachers, but local school districts could not provide instructional programs for employed personnel of the local school district. Generally, Sec 3315.07 can likewise be interpreted as providing the boards of city and exempted village school districts with a means of prescribing the qualifications of using AV personnel.

16. Accrediting schools
Evidently, the state board can establish minimum standards pursuant to Sec 3301.07(D), supra Part II. (See 1959 OAG 284)

17. Building or remodeling schools to facilitate AV use.
Art. VII, sec. 2e of the Ohio StateConst. generally allows the state to borrow money and issue bonds for the purpose of constructing improving and equipping buildings for classroom facilities to be leased or sold by the state to school district unable to provide adequate facilities.

17. (con't)

More specific provisions are contained in Sec 3313.37, supra Part II, where the board of education is specifically authorized to enlarge, repair, and furnish necessary schoolhouses. Clearly, this would provide authority to remodel schools to facilitate AV use. Likewise, in Sec. 3315.061, supra Part II, the county board of education may expend funds to conduct a study pertaining to school district building needs, instructional needs, and improved or additional services needed. Again, this would apparently authorize a study with regard to modifying school buildings to facilitate AV use. Specific provisions regard the procedure for bidding and letting contracts when a board of education determines to enlarge or furnish a schoolhouse or make any improvements are contained in Sec 3313.46 (1961 Leg Service).

Ch. 3318, as noted before, is concerned solely with School Facilities. The definition of classroom facilities in Sec 3318.01(B) would appear to cover improvements to buildings to provide a complete educational program. As noted before, in Sec 3318.03, the state board reviews applications to purchase classroom facilities from the state (submitted by the school district board). Depending upon the district's need, the state may or may not supply funds in this endeavor. The project may be conditionally approved by the state (3318.04) and then it must be accepted by the district (3318.05). The district must put to the electors the questions concerning the raising of funds through a tax levy and the issuance of bonds. (3318.05). Section authorizes levying of tax (if approved by the electors) outside the limitation set upon in the Ohio Constitutiion. (Sec 2 of Art XII) During construction, ownership divided between state and district depending upon proportion of contribution (3318.08(D)). Plans must be submitted to superintendent of public instruction for approval. (3318.091).

See also Sec 3375.14 with respect to school libraries and the improving of buildings for library purposes, supra Part II.

Sec 133.17 refers to bonds being issued for emergency additions or replacements (usually where buildings destroyed or condemned). Under 133.18 the board of education of any school district may submit to the electorsof the subdivision the question of issuing any bonds for the purpose of acquiring or constructing any permanent improvement which such subdivision is authorizedto acquire or construct.

Clearly, there is an abundance of provisions regarding building possibly to facilitate AV use.

18. Federal aid to schools.
Generally, under Sec. 3301.07(C), the state board must administer the distribution of federal funds for public school education.

Specific provisions concerning federal assistance is contained in Sec 3301.41 et. seq relating to the acquisition of federal surplus property under the Federal Property and Administrative Services Act. Specific provisions (3301.43) are established regarding the processing of applications to obtain federal personal property.

19. State aid to schools

Ch. 3317 establishes the Foundation Program for schools in Ohio. As expected, it provides for a complicated method of computing the amount of payments to be made to each local, exempted village and city school district, which has a tax levy for the current school operation for the current calendar year of at least ten mills. Sec. 3317.02 This ten mill requirement may be waived by the superintendent of public instruction when the total millage is reduced below the requirement by action of the county budget commission or county auditor. Sec. 3317.041. Failure to comply with the law and rules and regulations pursuant thereto, may not be eligible for state aid. Sec 3317.14.

Under Sec 3317.16 (supra Part III), boards of education may pay educational television foundations are specified amount. However, every program shown within any classroom or school must be supervised by the local board of education contracting for said programs.

See also generally, Sec 3301.07(C), supra Part II.

20. Private aid to schools

Sec 3313.36 authorizes a board of education to accept gifts upon the conditions and stipulations contained in the gift. This gift may be from an individual or corporation and the board is authorized to write all rules and regulations necessary to carry out the conditions of the gift. However, no gift can be accepted if the conditions thereof remove any portion of the public schools from the control of such board.

Under Sec 307.22, the board of county commissioners may receive donations etc of personal property and money to promote and advance the cause of education. All funds received and not disposedof may be paid to an incorporated institute or learning or used to defray expenses of teachers' institutes.

21. Library programs

Ch. 3375 contains generally all the provisions relating to the library program. Sec 3375.14 generally provides (supra Part II) for the establishment of school libraries by local boards of education to provide school library service.The board of education bears the expense and is authorized to erect or improve buildings for library purposes and to equip and furnish them. Sec 3375.16 goes on to permit the board of education to transfer or

21 (con't)
convey personal or real property of the school district to the board of trustees of any free library.

The board of trustees of a school district free public library has the authority to certify to the board of education of the school district the amount of money required and the board of education may levy a tax to provide funds for library operation. Sec. 3375.17

Under Sec 3375.19, a county library district may be established. They certify to the board of county commissioners the amount of funds required and the board of county commissioners may then levy a tax. (3375.23) The board may also issue notes and bonds for the county library district. This would cover the acquisition of land and equipment. (3375.24) Under 3375.40(B) the board of library trustees has the power to expend all moneys for library purposes. The Ohio AG has ruled that they are authorized to contract with one of such boards for the joint purchasing of films. (See Part III).

22 Research programs

Sec. 3315.061 provides specifically for the expenditure of funds to conduct studies pertaining to school district organization, building needs, curriculum and instructional needs etc. (See Part II). The county board of education is authorized to contract with state universities or other agencies to conduct such studies 1958 OAG 1928.

Under Sec 3301.12(C), the superintendent of public instruction has the duty of conducting such studies and research projects as are necessary for the improvement of public school education in Ohio.

23. Institutes
Sec 3319.23 is authority for the establishment of teacher institutes. See Item 15 for discussion of this provision. (Compare Sec. 307.22 discussed briefly in item 20 supra)

24. Other established procedures
See Sec 3315.09, supra Part II, with respect to the contracting for special instruction. The last portion of this paragraph might be broadly interpreted as permitting special instruction in the use ofAV aids ("other educational services").

Sec 3301.46 provides as follows:

> "Subject to the approval of the Governor, the department of education by action of the state board of education may enter into contracts, compacts and cooperative agreements for and on behalf of the state of Ohio with the several states or the federal government, singularly or severally, in order to

24 (con't)

> provide, with or without reimbursement, for the utilization by and exchange between them, singularly or severally, of property, facilities, personnel and services of each by the other, and, for the same purpose, to enter into contracts and cooperative agreements with eligible public or private state or local authorities, institutions, organizations, or activities. * * *

What this covers is non too clear; however, obviously, there is much potential here for a program of sharing AV aids and personnel with other states.

OKLAHOMA (1959-60)

Enrollment in full-time public schools:

Elementary	395,401
High School	138,527
Number of school districts (including non-operating)	1,322
Number of elementary schools	1,866
Number of high schools (including junior high)	930
Expenditure per pupil in average daily attendance	$311

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

OKLAHOMA

County and Independent School Superintendencies

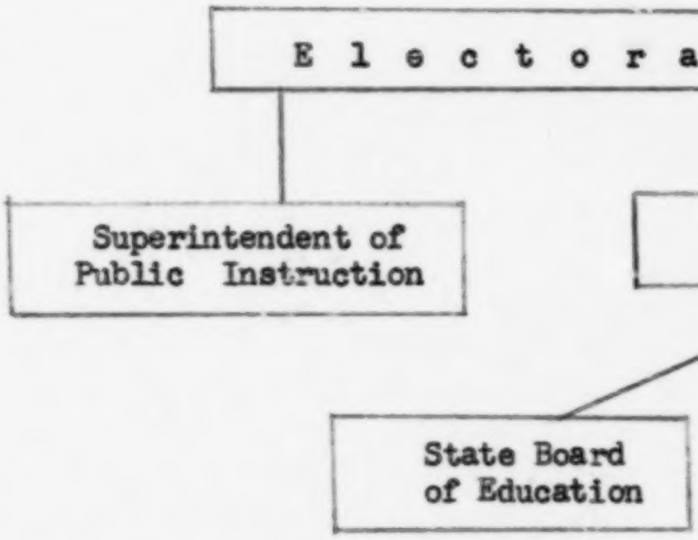
There are 598 school superintendencies in the State: 77 county-intermediate superintendencies and 521 independent city or town superintendencies. The superintendents of the 77 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 155.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 124-126.

OKLAHOMA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 7 members, the superintendent of public instruction ex officio and 6 persons appointed by the governor, by and with the advice and consent of the senate, for overlapping 6-year terms, 1 being appointed each year. The State superintendent of public instruction is president of the board.

b. Supplementary programs

State Textbook Committee(administrative).--Consists of 8 members appointed by the governor without senate confirmation for overlapping 4-year terms, 2 being appointed each year. Members may not succeed themselves. Only 1 member may be chosen from any congressional district, and no more than 1 may be employed by a single school district. Each member must have at least 5 years' public school teaching or supervising experience in Oklahoma and at least 4 years' college training. Each member must also be actively employed in the Oklahoma public schools throughout his service on the committee. At least 3 must be classroom teachers. The superintendent of public instruction serves as secretary of the textbook committee and votes only when there is a tie.

3. Chief State School Officer

The superintendent of public instruction is elected by the qualified voters of the State on a partisan ballot for a 4-year term which is concurrent with the governor's term. He must be at least 31 years of age and a qualified elector of the State of Oklahoma for 10 years prior to his election. He serves as the president and executive officer of the State board of education.

Oklahoma - continued

7. Coordination of the State Education System Through Structure

Two agencies, the superintendent of public instruction and the State board of education, share the responsibility for coordinating the State program of public elementary and secondary education.

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction is an ex officio member of the State board of education.....

9. Fiscal Coordination

Two educational agencies submit budgets to the State budget director, the State board of education..... The State budget director is appointed by and holds office at the pleasure of the governor. The executive of State budget is prepared by the State budget director under the direction of the governor. The director does not have authority to alter particular parts of budgets submitted to him by educational agencies. Moreover, he may not disapprove such budgets, and he cannot request their reduction in the total amount except where insufficient revenuew are anticipated to carry on particular programs for the period concerned, nor can he eliminate or decrease specific items. The budgets of educational agencies are incorporated into the executive or governor's budget which is submitted to the legislature with the budget message. The governor provides guidance to the legislature on budgetary matters.

OKLAHOMA

(References are to the 1961 School Laws of Oklahoma, unless otherwise stated.)

Organization

Section 6 defines the State Department of Education as that Department in which are placed the agencies created or authorized by the Constitution and legislature, and are charged with the responsibility of determining the plicies and directing the administration and supervision of the Public School System. They include the Superintendent and State Board. The latter agency is the governing board of the Department.

The membership and terms of the State Board are found in section 22. The powers and duties are provided for in section 25. Those duties include: The adoption and making of rules and regulations; Full and exclusive authority in all matters pertaining to standards of qualification and the certification of persons for instructional, supervisory, and administrative positions; The making of rules and regulations for the classification, supervision, and accrediting of all public schools; The agency for the State in accepting the provisions of any Act of Congress and cooperate with any authority of the U. S. government; The acceptance and administration of any land, money, buildings, gifts, donations, or other things of value offered or bequeathed to the schools.

The duties conferred upon the State Superintendent by section 28 are generally administrative and executive; they permit little exercise of discretion.

Section 30 creates the office of County Superintendent, who is elected to a two year term. His powers and duties are listed in section 33. His authority over the general administrative direction and supervision of schools is limited to the Dependent Districts in the County. For those schools he is to approve all contracts of teachers and other personnel, visit not less than twice a year and advise teachers relative to methods of instruction and the condition of the building and equipment, and apportion the public funds to which the school districts of his County are entitled.

According to section 38, all school districts are either designated as Independent or Dependent Districts. The former shall be under the administration and supervision of their respective boards of education. On the other hand, the Dependent Districts come under the supervision of the County Superintendent and the administration of the respective District Boards of Education. In order to be classified as an Independ School District, the requirements set out in section 39 must be complied with. The Boards of Education are all elected pursuant to section 44. They all consist of five members elected by the people. However, the Boards in the Dependent Districts only have theree members . They are supposed to have annual meetings as is provided in section 52.

Section 53 lists the officers of the Board. They are the president, Vice-President, clerk, and treasurer. In section 58 may be foundthe powers and duties of the Board. They can make rules and regulations, so long as they are not inconsistent with those of the

State Board. They operate such facilities as classrooms, libraries, and laboratories, and acquire equipment therefor. Also they purchase necessary property, equipment, furniture, and supplies for maintaining and operating an adequate school system. The president is required to appoint all committees and preside at all meetings, according to section 61. Similar provisions may be found referring to the duties of the vice-president and clerk.

In the Twenty-Seventh Biennial Report of the State Department of Education, published in 1958 there is a reference to Senate Bill 269, Section 6, Session Laws of 1919, by which there was created, in the State Department an Accreditation Division. This is discussed on page 11. On that page it is said that in 1955 the rural and elementary division of the State Department were combined and are now known as the Division of Instruction. Then follows a list of the duties and responsibilities of the Division of Instruction. It reviews the credentials and qualification of all teachers, visits and accredits all high and elementray schools, attends workshops and educational meetings, assists in building and revision of curriculum guides for schools, and advise with school administrators and boards of education. In the July 1960 Annual Bulletin for Elementary and Secondary Schools, Bulletin No. 113-H on page 9 is listed the policies of the State Board of Education, with specific reference to the Department of Instruction.

In the Twenty-Seventh Biennial Report at page 52 there is a discussion of the Division of Audio-Visual Education and its organization. It is also an integrated part of the State Department of Education. The Director also serves as Executive Secretary of the Oklahoma Commission on Educational Administration, which incidentally is also a Division in the Department. The activities of the Audio-Visual Division consist of the coordination of the distribution of state films in regional libraries, publication and dissemination of information, planning and participation in conferences, workshops, and clinics, consultation with leaders, and compiling data at the state level.

Courses of Study

The courses of study formulated, prescribed, and adopted or approved by the State Board of Education for the instruction of pupils in the public schools of the State shall include such courses as are necessary to insure those standards listed in section 156. Some of those standards are citizenship, health, and the basic skills of learning. Bulletin No. 113-H at page 21 lists some of the more specific areas and courses required in Oklahoma public schools. These continue into page 24. On page 37 may be found under criterion p under the subheading The Elementary School, the approved list of basic subjects. Similar lists are included to cover the small high school and the senior high school on pages 40 and 41.

Organizing A-V Aids Units

The State Board is empowered by section 159 to formulate, establish and maintain, and cause to be administered the state audio-visual program. To implement this authority it published the Audio-Visual Handbook in 1954. On page 55, according to the diagram, it is suggested that State Audio-Visual Coordinator is a member of the Division of Audio-Visual Education of the State Department of Education, or a subordinate of the State Board. Coordinate bodies to this Division are the Regional, County and District film libraries. It also appears that the film libraries may be subject to the Audio-Visual Coordinator. This is not clear.

On page 40 another diagram has the Coordinator as the immediate superior in this area of all teachers. Here it appears that he is to organize teachers' committees to assist him in conducting the program. On page 42 the Handbook also discusses Student Operators Programs. Just who is to organize them is not clear, presumably the teachers.

Conferring on Use Outside the System

The Oklahoma School Laws have no provision on this subject. Neither the Administrative Handbook nor the Audio-Visual Handbook contain any reference to this area. Only at page 54 of the Audio-Visual Handbook is there any mention of holding institutes or conferences. These are to be brought about by a request from the local authorities to the State Audio-Visual Coordinator.

Selecting and Acquiring A-V Aids

Section 164 authorizes the County Superintendent of any county to either purchase or rent any and all equipment necessary for the successful operation of the visual-education program in the county schools. He may also buy a film library and add films from time to time.

Pursuant to an estimate,,the District Boards are also empowered to purchase or rent any and all necessary visual equipment, according to section 165.

In Bulletin No. 113-H at page 46 is found a list of criteria for instructional materials and equipment. Criterion (a) states that all supplies and material should be selected through the cooperative efforts of the teachers and the administration. According to the Audio-Visual Handbook at page 41, it is the State Audio-Visual Coordinator who supervises the selection of equipment and materials.

Article XV is specifically concerned with the purchase of supplies. It also indicates that these are obtained on the local level.

Financing Acquisition

Section 73 authorizes the District Boards to provide courses and the buildings, equipment and facilities necessary. Accordingly to section 427 County, District, Municipal officers and Boards who have authority to purchase or contract against all budget appropriations accounts as departmentalized and appropriated by the County Excise Board orders for the Excise Board. This Excise Board is declared by section 328 to be a State agency to require adequate and accurate reporting of finances and expenditures for all budget and supplemental purposes. Its procedure is explained in great detail throughout the remainder of that section.

Any County or School District or educational institution supported by tax funds is permitted by section 162 to establish and maintain a local film library and to expend local funds for this purpose. These funds are to be matched by State funds, therefore they are limited in amount. The County Superintendent is authorized by section 164 to purchase or rent projectors. And section 165 provides that the District Boards may purchase or rent, not only projectors, but any and all eqiupment deemed necessary for the successful operation and conduct of a visual educational program.

The Twenty-Seventh Biennial Report at page 52 states that neither the Twenty-fifth nor the Twenty-sixth Legislatures considered an audio-visual appropriation to meet local funds. The last time this was done, the Twenty-fourth legislature, it was vetoed by the Governor.

Regulating the Use of A-V Aids

The only specific section of the Oklahoma School Laws in this area is section 163. There it states that the State Board shall adopt and enforce such rules and regulations as may be necessary to make the audio-visual program effective. In Bulletin No. 113-H on page 46 under Instructional Materials and Equipment are listed a number of criteria. Some of those criteria suggest that certain aids be provided. Although many are given, criterion (q) recommends the minimum goals in audio and projection equipment. On page 55 under the subheading Physical Plant criterion (b) discusses the providing of adequate lighting in the buildings for using audio-visual materials.

Distributing A-V Aids

Pursuant to its authority in section 163, to adopt and enforce those rules and regulations necessary to make an~~n~~ effective program of audio-visual education, the State Board has issued its third edition of the Audio*Visual Handbook in 1954. On page 55 there is a diagram which shows that the distributing of A-V Aids is done by any of three agencies, the regional film libraries, the county and district film libraries, or the Division of Audio-Visual Education.

Producing A-V Aids

In Article XVIII, which covers the Oklahoma Educational Television Authority, this agency is authorized to plan, construct, maintain, and operate educational facilities. This language is found in section 455. Other than this there appears to be no provision in either the School laws or the Handbooks published by the State Board of Education. It may be that this is left to the discretion of the teachers.

Certificating Teachers and Accrediting Schools

Section 25, which outlines the general powers and duties of the State Board of Education, also authorizes the Board to maintain standards of qualifications and the certification of persons for instructional, supervisory and administrative positions. This authority is described as full and exclusive by subpart (9). The Board is also directed to formulate rules and regulations governing both the issuance and the revocation of certificates for all personnel from classroom teachers to county superintendents.

It is unlawful for a Board of Education to employ any person unless the person holds a valid certificate issued in accordance with the rules and regulations of the State Board, according to section 93. The same act makes the person hired violate the School Code section 94.

In the Annual Bulletin for Elementary and Secondary Schools, subtitled An Administrator's Handbook, Bulletin No. 113-H July, 1960 it is mentioned that one of the guiding policies of the state is that teachers should be selected by the Board of Education, only after recommendation by the Superintendent. On page 10 policy number 10 suggests that no teacher be selected unless recommended by the Superintendent. Among the regulations listed in the Handbook are thoase implementing the Statutes. They may be found on pages 13 and 14 under the subheading Faculty.

Uner the subheading Organization at page 12 in the Handbook are found the regulations which relate to accrediting the schools. Regulation (a) states that the number of units for which a high school may be accredited depends upon the number of teachers, their qualifications, the instructional equipment, and facilities, and the compliance with the rules and regulations prescribed by the State Board. The following regulations are primarily concerned with secondary schools.

Other pertinent material on the subject is found under the criteria listed for elementary and secondary schools on pages35 to 41.

Preparing or Remodeling School Buildings for A-V Use

This is one of the many grants of authority conferred upon the State Board by section 25. Subpart (11) states that the Board has authority to prescribe rules governing the construction of school buildings and to furnish plans and specififcations. When this is completed, the District Boards contract out the work and maintain the buildings, pursuant to section 58.

Library and Research Programs

Article IV is concerned with Public Libraries. A Library Extension Division is established by section 412 and it is directed to assist the State Librarian. This section also contains an extensive list of duties for the Division. The Oklahoma Library Commission, which has been replaced by the State Librarian according to section 408, was authorized to examine and issue library certificates by section 418. Cities of the first class are enabled by section 417 to employ head librarians.

It is the local School Boards who maintain the libraries pursuant to section 58.

Bulletin 113-H includes some of the regulations which have been established for the administration of libraries. They can be found on page 20. The Handbook also contains a list of criteria for libraries on pages 48 to 50. These specific provisions include in criterion (O) a statement that adequate provisions should be made for audio-visual materials, in the libraries.

Section 162 of the School laws authorizes local Districts to establish and maintain a local film library. They are permitted to use local funds.

Finacial Aid to Education

Section 237 provides that the State Board is to apportion all sums of money to which a school district is qualified to receive. The procedure by which the money is apportioned is set out in section 238. The State Board notifies the County Clerk, County Superintendent, Board of Education, Superintendent of the School District and the District Treasurer of the tentative amount they are to receive. After this has been allocated the County Clerk is to add such aid to the items designated as in necessary to finance the Minimum Program. The funds received according to this provision are directed to be deposited in the District General Fund.

The State Equalization Fund is authorized by section 240. It is to be determined by subtracting the amount of the Minimum Program Income from the cost of the Minimum Program. The rest of this section explains how this is to work. The Basic Operational Fund Aid is provided for in section 242.

In section 245 the Director of Finance of the State Board is directed to make all the apportionments. Then section 246 authorizes the State Board to ~~to~~ appoint a Chief Examiner and Deputy Examiners to audit the State Aid Funds received by the school districts. It also states that any State Equalization Aid, Basic Aid, Operational Fund Aid or transfer fees apportioned in accordance with these provisions shall beconsidered as State Aid Funds.

Textbooks

The State Textbook Committee is created by section 200. It has eight members appointed by the Governor, each to serve four years. None are permitted to succeed themselves. At least three are required to be classroom teachers. The State Superintendent is designated Secretary of the Committee. The meetings are authorized by section 201. In that section it indicates that there is one meeting a year. At that meeting the Committee selects textbooks for subjects taught in all grades, up to and including the twelfth grade. Five texts are selected for each subject, if possible.

Once contracts are entered into for furnishing the textbooks, the Secreatry of the Committee, is directed by section 208 to send a list of the books selected to every County Superintendent, District Superintendent, and local textbook committee. This local committee is authorized by section 209, where it states that the members are appointed by their respective superintendents. The membership is to range from three to nine, with their superintendent as Chairman. It is these committees who adopt the textbooks which are to be used.

The State Board also is given by section 216 the power to adopt rules and regulations for the issuance of textbooks to school children.

Advising Subordinates and Prescribing Qualifications for Using Personnel

Article XII is primarily concerned with Audio-Visual Education. Section 159 empowers the State Board to formulate, establish, and maintain and cause to be administered a program of A-V education. The State Board is also directed by section 163 to adopt and enforce all the necessary rules and regulations. Again, it is the State Board who appoints, employs, and fixes the compensation and duties of the necessary personnel, according to section 166.

In Bulletin 113-H July 1960 the Board has listed a number of criteria relative to instructional materials and equipment on page 46 through 48. Criterion (a) states that the choice of instructional materialdepends on the need and is selected through the cooperative effort of teachers and administrative personnel.

In the third edition of the Audio-Visual Handbook dated 1954 it is indicated that the Board of Education, through an Audio-Visual Coordinator organizes committees of teachers. The purpose is to recommend purchases of supplies, collect community resources, and carry on in-service programs. This information may be found on pages40, 41, and 42. The Audio-Visual Coordinator also directs the program and directs student operator programs also.

Besides the Coordinator, the organization also includes a Building Coordinator for those schools large enough to have one.

On page 55 is a drawing of the administrative setup for A-V aids in Oklahoma. This indicates that the regional and county film libraries have similar powers to the State Audio-Visual Coordinator. They provide consultative services to both administrators and teachers, conduct A-V classes, and interpret the program to the community.

State: Oklahoma

Source of information unless otherwise stated: 1961 School Laws of Oklahoma (numbers in parentheses refer to the title and section numbers in the Oklahoma Statutes).

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

ARTICLE XII

Audio-Visual Education

Section 159. Program for Audio-Visual Training: The State Board of Education shall have authority to formulate, establish and maintain and cause to be administered a program of audio-visual education for the public schools of the state. (70-12-1.)

Section 160. Motion Picture Films - State Depository: The State Board of Education shall have authority to select or cause to be selected motion picture films appropriate to the curriculum of the public schools of Oklahoma, and shall establish and maintain a State depository at the University of Oklahoma where all such films shall be kept for assignment to regional libraries. Certain special films may be designated by the State Board of Education to be circulated from the State Depository to various schools. (70-12-2.)

Section 161. Regional Film Libraries: The State Board of Education shall have authority to establish and maintain regional film libraries in co-operation with Oklahoma A. & M. College at Stillwater, Central State College at Edmond, East Central State College at Ada, Southwestern State College at Weatherford, Southeastern State College at Durant, Northwestern State College at Alva, Northeastern State College at Tahlequah and the Panhandle Agricultural and Mechanical College at Goodwell. It shall be the responsibility of such regional libraries to receive, maintain, keep a record of, and circulate all films received from the State Depository and to return such films to the State Depository when there is no longer a need therefor in any of the schools served by the regional library or when directed to do so by the State Board of Education and to furnish films to county superintendents of schools and boards of school districts upon written requests therefor. (70-12-3.)

State: Oklahoma

PART III - continued (2)

Section 162. Local Film Library: Any county or school district or educational institution supported by tax funds may establish and maintain a local film library and shall have authority to expend local funds for such purpose. Moneys expended by any county or school district, or by any educational institution supported by tax funds, for the purchase of projection and audio materials approved by the State Board of Education may be matched with State moneys appropriated for such purpose, in amounts not to exceed the following: Any county, One Thousand Dollars ($1,000.00): any school district or tax supported educational institution employing one (1) to fifty (5) teachers, One Thousand Dollars ($1,000.00), any school district or tax supported educational institution employing fifty-one (51) to two hundred fifty (250) teachers, Three Thousand Dollars ($3,000.00). Provided moneys received by a school district under the provisions of this Section shall not be considered as a part of its chargeable income for State aid purposes. (70-12-4.)

Section 163. Rules and Regulations: The State Board of Education shall adopt and enforce such rules and regulations as may be necessary to make such program of audio-visual education effective. (70-12-5.)

Section 164. Purchase or Rent of Motion Picture Projectors--Film Library: Pursuant to an estimate duly made and approved for such purpose, the county superintendent of schools of any county may:

(1) Purchase or rent motion picture projectors, either silent or sound; purchase or lease motion picture films for said machine or machines; and purchase attachments, film splicers, repair kits, cable, wire, and any and all equipment necessary for the successful operation of the visual education program in the schools of the county, with funds allotted to the office of the county superintendent of schools for such purposes.

(2) Take the projector or projectors, film and equipment into any and all schools of the county to show a visual education program of film or films at least once each month and collect travel expense therefor from funds allotted to the office of the county superintendent of schools for such purposes.

(3) Buy a film library and add new films or replacement films to said library from time to time with funds allotted to the office of county superintendent of schools for such purposes. (70-12-6.)

Section 165. Board of Education--Purchase or Rent Projectors and Supplies: Pursuant to an estimate duly made and approved for such purpose the board of education of any school district, or any two or more school districts in cooperation with each other, may purchase or rent moving picture projectors, either silent or sound; purchase attachments, film splicers or film repair equipment of all types, cable, wire or any and all equipment and materials deemed necessary by said board of education or boards of education for the successful operation and conduct of a visual education program in the schools of such district or districts. (70-12-7.)

State: Oklahoma

PART III - continued (3)

Section 166. Personnel to Administer Provisions of This Article: The State Board of Education shall appoint and employ, and fix the compensation and duties of, necessary personnel, and shall incur necessary expenses, to administer and carry out the provisions of this Article, and all such compensation and other expenses shall be paid from any funds appropriated to carry out the provisions of this Article. (70-12-8.)

ARTICLE XVIII

The Oklahoma Educational Television Authority

Section 455. Purpose of the Television Authority: It is the intent of the Oklahoma Legislature and the purpose of this Act to make educational television services available to all Oklahoma citizens on a coordinated statewide basis. Said educational television services shall be provided by and through the various education and cultural agencies in the State of Oklahoma under the direction and supervision of the Oklahoma Educational Television Authority hereinafter created.

The Oklahoma Education Television Authority is hereby authorized and empowered to plan, construct, repair, maintain and operate educational television facilities with channels assigned by the Federal Communications Commission to the State of Oklahoma for educational television purposes. The purpose of said Authority shall be to provide a state-wide educational television system, including any arrangements for extension thereof and interchanges and rentals as may be necessary in establishing such state-wide facilities.

The Oklahoma Educational Television Authority shall be authorized to issue revenue bonds of the Authority payable solely from dedicated revenues to pay the cost of providing educational television facilities as authorized in this Act. Such revenue bonds shall never become obligations of the State of Oklahoma, but shall be retired by the Authority as provided in this Act. Such revenue bonds shall contain on the face thereof a statement to the effect that neither the State nor the Authority shall be obligated to pay the same or the interest thereon except from revenues dedicated by the Legislature, and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged, or may hereafter be pledged, to the payment of the principal of, or the interest on, such bonds. (70-2141.)

Section 456. Advertising Unlawful: It shall be unlawful for the Authority to permit any individual, company, corporation, or organization to advertise or otherwise attempt to sell its products or services through the use of the facilities controlled by the Authority; and it shall also be unlawful for said Authority to permit any individual or organization to in any way sponsor the election of any party or individual for any public office; provided however, that nothing in this Section shall be construed in a manner which would exclude announcements and programs of non-profit charitable and educational organizations which are for the public good. Information programs sponsored by legally authorized agencies of the State and Federal Governments for the public good are to be considered proper program material. (70-2142.)

Section 457. Power to Select Advisory Committee: The Oklahoma Educational Television Authority shall have the power to organize and select an advisory committee, the membership of which shall not exceed thirty-five (35) persons who shall serve without compensation.

The Authority shall determine the membership of the Committee and the time and number of meetings of such committee. It shall be the duty of this Committee to assist the Authority in carrying out the provisions of this Act. Although the final responsibility of operating television facilities rests with the Authority it is the duty of the Authority to seek the advice and counsel of representative citizens of the State, and the members of the Advisory Committee shall be selected from such sources as:

a. Oklahoma State Legislative Council.

b. State and independent educational organization, including both common schools and institutions of higher learning.

c. Departments of the State government.

d. Educational representatives from those cities where educational television channels may be located.

e. Labor organizations.

f. Organizations of municipalities.

g. Business and professional organizations.

h. Charitable, social service, and civic organizations, and

i. Agricultural organizations.

.....

Section 459. Membership of Authority: There is hereby created a body corporate and politic to be known as the "Oklahoma Educational Television Authority," and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the State, and the exercise by the Authority of the powers conferred by this Act, in the planning, construction, operation and maintenance of educational television facilities shall be deemed and held to be an essential function of the State.

State: Oklahoma

PART III - continued (5)

The Oklahoma Educational Television Authority shall consist of thirteen (13) members, including the President of the University of Oklahoma, the President of the Oklahoma Agricultural and Mechanical College, the State Superintendent of Public Instruction, the Chancellor of the Oklahoma State Regents for Higher Education, the president of one of the State-supported four (4) year colleges chosen by the presidents of this group of institutions, the president of one of the State-supported junior colleges chosen by the presidents of this group of institutions, and seven (7) additional members to be appointed by the Governor by and with the consent of the Senate to serve seven (7) year terms.

The appointed members shall have been residents of the State for at least five (5) years preceding the date of their appointment.

The seven (7) appointed members shall include one (1) member from each of the six(6) Congressional Districts and one (1) member at large.

A Majority of the appointed members shall be actively engaged in the educational profession.

Each appointed member of the Authority, before entering upon his duties, shall take an oath as provided by Section 1 of Article XV of the Constitution of the State of Oklahoma.

The seven (7) members first appointed by the Governor shall continue in office for terms expiring on June 30, 1954; June 30, 1955; June 30, 1956; June 30, 1957; June 30, 1958; June 30, 1959; and June 30, 1960, respectively. The terms of each of the first appointed members shall be designated accordingly by the Governor and said members shall serve for their appointed terms and until their respective successors shall be appointed and qualified. The successor of each such member shall be appointed for a term of seven (7) years except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term in such vacancy.

The Authority shall elect one (1) of the members as Chairman and another as Vice-Chairman, and shall also elect a Secretary-Treasurer. Seven (7) members of the Authority shall constitute a quorum and the vote of seven (7) members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

The Secretary-Treasurer shall execute a surety bond in the penal sum of Fifty Thousand ($50,000.00) Dollars, such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the State of Oklahoma as surety and to be approved by the Attorney General and filed in the office of the Secretary of State.

The members of the Authority shall not be entitled to compensation for their services but each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this Act shall be payable solely from funds provided under the authority of this Act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the authority of this Act. (70-2145.)

Section 460. Powers of Authority. The Authority is hereby authorized and empowered:

(a) To accept, assume and control the television channels assigned by the Federal Communications Commission to the State of Oklahoma for educational purposes;

(b) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(c) To adopt an official seal and alter the same at pleasure;

(d) To maintain an office at such place or places within the State as it may designate;

(e) To sue and be sued in its own name, plead and be impleaded; provided, however, that any and all actions, at law or in equity against the Authority shall be brought in the county in which the principal office of the Authority shall be located; or in the county of the residence of the plaintiff, or in the county where the cause of action arose;

(f) To construct, maintain, repair and operate television facilities which with their access connections are designated ultimately to extend to and include all sections and areas of the State of Oklahoma;

(g) To issue revenue bonds of the Authority, payable solely from dedicated revenues, for the purpose of paying all or any part of the cost of needed facilities;

(h) To fix and revise from time to time any necessary charges for the use of any facilities;

(i) To pay for the annual cost of the operation, maintenance and repair of such facilities;

(j) To pay as and when due the principal and interest on the revenue certificates or bonds issued to pay for such facilities;

(k) To accumulate and maintain such reserves as are provided for in the resolution or trust indenture under which such bonds are issued or secured;

(l) To acquire, hold, dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act;

(m) To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in manner hereinafter provided, such public or private lands, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of

PART III - continued (7)

this Act; and it is the intent of the Legislature that all public property damaged in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable.

(n) To designate, except as is provided for herein, the locations; and to establish, limit and control such points of ingress to and egress from each facility as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such facility;

(o) To make and enter into all contracts and agreements necessary or indicental to the performance of its duties and the execution of its powers under this Act, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation.

(p) To receive appropriations from the State Legislature and accept from any Federal Agency grants for or in aid of the construction and operation of any project, provided, the acceptance of such grants or appropriations will not reduce the amount of Federal Aid for other education in this State; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value;

(q) To do any and all things necessary to comply with rules, regulations, or requirements of the Federal Communications Commission or any other Federal agency administering any law enacted by the Congress of the United States to aid or encourage education;

(r) To do all things necessary or convenient to carry out the powers expressly granted in this Act;

(s) It shall be unlawful for any member, officer, or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member, officer, or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit' shall include, but not be limited to, the acceptance or payment of any fee, commission, gift or consideration to such member, officer or employee.

Violation of any of the provisions of this Section shall constitute a felony, and shall be punishable by a fine of not less than Five Hundred ($500.00) Dollars, and not more than Five Thousand ($5,000.00) Dollars, or by imprisonment in the State Penitentiary for not more than five (5) years or by both such fine and imprisonment. (70-2146.)

PART III - continued (8)

Section 461. Powers Continued: The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any land, property, rights, rights-of-way, franchises, easements, and other interests in lands as it may deem necessary or convenient for the construction, maintenance, and operation of the facilities upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Authority and the owner thereof, and to take title thereto in the name of the Authority. (70-2147.)

Section 462. The Authority has Power to Condemn Property: Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated, or is absent, unknown, or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation proceedings in the same manner as land is condemned for railroad purposes any land, property, rights, rights-of-way, franchises, easements, or other property deemed necessary or convenient for the construction or the efficient operation of any facilities, or necessary in the restoration of public or private property damaged or destroyed. No act or obligation of the Authority shall impose any liability upon the State or the Authority except such as may be paid from the funds provided under the authority of the Act. (70-2148.)

Section 463. Authority may Issue Revenue Bonds: The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the Authority for the purpose of paying all or any of the cost of any one or more projects, but each project shall be covered by a separate resolution and separate bond issue or issues. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at rate not to exceed four percent (4%), and shall mature in annual installments at such time or times not exceeding the maximum time permitted by the Constitution of the State of Oklahoma, but in any event not more than forty (40) years after their date as may be determined by the Authority. The Authority may cause the bonds or any installment thereof to be made redeemable before maturity, at the option of the Authority, at such price or prices, and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or demonimantions of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. The bonds shall be signed by the Chairman of the Authority, and the official seal of the Authority shall be affixed thereto and attested by the Secretary-Treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the Chairman of the Authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form or both, as the Authority may determine, and provisions may be made for the registration of any coupon bonds as to principal and interest. The Authority shall sell such bonds at public sale. Notice of the sale shall be published in a Thursday issue for two (2)successive weeks in a daily newspaper of general circulation in the State of Oklahoma. The date mentioned in the notice for the sale of the bond shall not be less than ten (10) days after the first publication thereof. All bonds shall be sold to the bidder who will bid therefor par and accrued interest, and who shall stipulate in his bid the lowest rate of interest which such bonds shall bear. It is the intent of this Act that the bonds shall be awarded to the bidder bidding rate or rates of interest which will be the lowest interest cost during the life of the bonds. Any premium bid shall not be considered in figuring such interest cost but shall be considered only in case two (2) or more bidders bid the same interest cost. Upon the acceptance of such bid, the bonds shall be issued in accordance therewith and shall be delivered to the purchaser upon payment of the purchase price. Each bidder shall submit with his bid such sum in cash or its equivalent as may be determined by the Authority, and upon the acceptance of any bid such deposit shall become the property of the Authority and shall be credited on the purchase price of the bonds, upon the understanding that if the purchaser shall fail five (5) days after the tender of bonds, to pay the balance of the purchase price, said sale shall be thereby annulled and said deposit shall be in such event retained by the Authority and credited to the account for which such bonds are being issued and shall be used accordingly. All other deposits shall be returned. The Authority shall have the right to reject all bids and readvertise the bonds for sale. The bonds need not be issued and sold in series. In no event shall the bonds be sold at a price so low as to require the payment of interest on the money received therefor at more than four percent (4%), computed with relation to the absolute maturity of the bonds in accordance with the standard tables of any premium to be paid on the redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project, for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error or estimates or otherwise, may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

PART III - continued (10)

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are specifically required by this Act. (70-2149)

Section 464. Sinking Fund: The principal and interest necessary to retire any bonds issued by the Authority shall be paid out of the "Oklahoma Educational Television Bond Sinking Fund" hereinafter established by Section 11 of this Act. (70-2150)

Section 465. Creation of Sinking Fund: There is hereby created the Oklahoma Educational Television Bond Sinking Fund in the State Treasury and the State Treasurer is hereby authorized and directed to transfer revenues accruing to the Public Building Fund, not otherwise appropriated as of the date of this Act becomes effective, to the Oklahoma Educational Television Bond Sinking Fund to be used solely for the purpose of retiring bonds issued by the Oklahoma Educational Television Authority. (70-2151)

Section 466. Trust Agreements: In the discretion of the Authority any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement may pledge or assign the revenues to be received from the project constructed by the use of the proceeds of the bonds, but shall not convey or mortgage any project or part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all monies, and provisions for the employment of consultants or operation of such project or projects. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of coporates. In addition to the foregoing any such trust agreement may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as part of the cost of the operation of the project or projects. (70-2152)

PART III - continued (11)

Section 467. Authority May Collect Fees: The Authority subject to the provisions hereof, is hereby authorized to fix, revise, charge and collect fees for the use of any of its facilities. (70-2153)

Section 468. Monies Received are Trust Funds: All monies received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or other revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any office to whom, or any bank or trust company to which such monies shall be paid shall act as trustee of such monies and shall hold and apply the same for the purpose hereof, subject to such regulations as this Act and such resolution or trust agreement may provide. (70-2154)

Section 469. Rights of Trustee: Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under the trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the Authority or by any officer thereof including the fixing, charging and collecting of fees. (70-2155)

Section 470. Authority Tax Exempt: The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State, to serve their educational and cultural interests and needs, and for the improvement of their health and living conditions. The operation and maintenance of projects by the Authority will constitute the performance of essential governmental function, and the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the State. (70-2156)

Section 471. Securities of Bonds: Bonds issued under the provisions of this Act are hereby made securities by which all Banks, Trust Companies, Trust and Loan Associations, Investment Companies and others carrying on a banking business; all Insurance Companies and Insurance Associations, and others carrying on an insurance business may legally and properly invest funds including capital in their control or belonging to them. (70-2157)

Section 472. Projects to become part of the State Educational System: Each project when constructed and placed in use shall be maintained and kept in good condition and repair by the Authority. When all bonds issued under the provisions of this Act in connection with any project and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project, if then in good condition and repair to the satisfaction of the State Legislature, shall become part of the State Educational System.

PART III - continued (12)

All counties, cities, towns, municipalities, school districts of the State, and all State boards, commissions, officials, and other public agencies, notwithstanding any contrary provision of law, are hereby authorized and empowered:

(a) To lease, lend, grant or convey to the Authority at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, municipalities, school districts of the State, and all State boards, commissions, officials and other public agencies may deem reasonable and fair and without the necessity for any advertisement, order or Court or other action or formality other than the regular and formal action of the authorities concerned, any personal property, real property and other things of value which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including real property already devoted to public use.

(b) To lease, rent or contract from the Authority for telecasting purposes, any programs that would be beneficial of their interest and that of the State of Oklahoma. (70-2158)

Section 473. Authority May Contract with Television Stations; The Authority is hereby authorized and empowered to enter into contract with other Television Stations, Networks or other agencies for the purpose of receiving or exchanging television programs. (70-2159)

Section 474. Bond Application may be Filed with Oklahoma Supreme Court: The Authority is authorized in its discretion to file an application with the Supreme Court of Oklahoma for the approval of any bonds to be issued thereunder, and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine each such application. It shall be the duty of the court to give such applications precedence over the other business of the court and to consider and pass upon the applications and any protests which may be filed thereto as speedily as possible. Notice of the hearing on each application shall be given by a notice published in a newspaper of general circulation in the State that on a day named the Authority will ask the Court to hear its application and approve the bonds. Such notice shall inform all persons interested that they may file protests against the issuance of the bonds and be present at the hearing and contest the legality thereof. Such notice shall be published one (1) time not less than ten (10) days prior to the date named for the hearing and the hearing may be adjourned from time to time in the discretion of the Court. If the Court shall be satisfied that the bonds have been properly authorized in accordance with this Act and that when issued, they will constitute valid obligations in accordance with their terms, the Court shall render its written opinion approving the bonds and shall fix the time within which a petition for rehearing may be filed. The decision of the Court shall be a judicial determination of the validity of the bonds, shall be conclusive as to the Authority, its officers and agents, and thereafter the bonds so approved and the revenues pledged to their payment shall be incontestable in any court in the State of Oklahoma. (70-2160)

PART III - continued (13)

Section 475. Authority is Authorized to Issue Refunding Bonds: The Authority is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. Each refunding issue shall be limited to the project in connection with which the bonds being refunded were issued and revenues pledged to pay any such refunding issue shall be limited to the revenue derived from said separate project. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this Act in so far as the same may be applicable. (70-2161)

Section 476. Authority Must Report to Legislature: The Authority shall make and submit to the Legislature, on or before December 31 of each year, a full report showing projects under construction and in operation, planned projects, and the financial condition of the Authority, and such other information as the Legislature shall require. (70-2162)

Section 477. This Act Provides Alternative Methods for Things Authorized hereby: The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of revenue bonds or revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds. (70-2163.)

Section 478. Act to be Liberally Construed: This Act being necessary for the advancement of education and the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof; provided that until specifically authorized by the Legislature the provisions of this Act shall not be utilized in any other manner. (70-2164).

PART III - continued (14)

Following are excerpts from the Annual Bulletin for Elementary and Secondary Schools, July, 1960, Bulletin No. 113-H of the State of Oklahoma Department of Education:

VII. Instructional Materials and Equipment

Criterion o. The school should be equipped with audio-visual equipment and materials to the extent that the educational objectives may be achieved. This, no doubt, will vary in individual situations. Ultimately it is the use made of these devices which is important rather than mere ownership of projectors, etc.

Criterion p. Audio-visual materials will include motion picture, films, filmstrips, slides, recorder, radio, record player, charts, maps, globes, chalkboard, flat pictures, objects, models, excursions, and field trips. One of these devices may be used to supplement another, but the choice of material used in a teaching situation will be determined by the needs of the teacher and of the students.

Criterion q. It is assumed that after equipment and materials have been purchased, they will be utilized as often as is needed to help the teacher do a better job. Recommendations for minimum goals in audio and projection equipment are:

Equipment	Basic Minimum
16 M. M. sound projectors	One per 300 students or a major fraction thereof. At least one for each building.
Filmstrip and 2" x 2" projectors	One per 200 students or major fraction. At least one per building.
Opaque projector	One per building
Record players (3 speed)	One per kindergarten class or one per five other classrooms. At least two per building.
Tape Recorders	One per 300 students or major fraction. At least one per building.
Radio receivers (AM-FM)	One per five classrooms. At least two per building where appropriate programs are available.
TV receivers (all channels)	One per building where appropriate programs are available.
Overhead projector (7" x 7" or larger)	One per building.
Screens--square (60" x 60" or larger)	One per each two classrooms.

PART III - continued (15)

XIV. Physical Plant

Criterion b. .....In order that teachers can use projection materials, arrangements may be made to control light in some classrooms of each building. Such arrangements may be made with drapes or dark shades. Electrical outlets should be installed at both front and rear of the room.

EDUCATIONAL TELEVISION

Television is a compliment of current methods of classroom instruction. It is not the aim of educational television to eliminate or reduce the need and use of qualified teachers. Research studies point to the discouraging fact that under present practices the lack of availability of well-qualified teachers will grow progressively worse as time moves on. Oklahoma can either choose to adapt its educational program to emergencies or make scientific improvement.
......

One of the elective courses included in college preparatory course in high schools is Visual Education (page 23, Bulletin 113-H).

The Audio-Visual Handbook", third edition, 1954, put out by the Division of Audio-Visual Education of the Department of Public Instruction is a guide to the proper use of audio-visual materials. The purpose of the handbook is to review the relationship of audio-visual techniques to learning and to emphasize how and why many of the conventional audio-visual media can be used for effective learning.

The Twenty-Seventh Biennial Report of the State Department of Education of Oklahoma, 1958

The current audio-visual program has three general segments:
(1) Audio-Visual Division in the State Department of Education;
(2) Regional Libraries; and (3) County and District Film Libraries.

Division of Audio-Visual Education

The activities of the division consist of coordination of the distribution of State films in regional libraries, publication and dissemination of information, planning and participation in audio-visual conferences, workshops and clincs, consultation with school officials and compilation and analysis of audio-visual statistical data.

Regional Film Libraries

The State Film Depository is located at Oklahoma University where state owned films are received, classified, booked and processed before being sent to the regional film libraries. After these functions are performed, the University then serves in the same capacity as a regional library. The other regional libraries are located at Oklahoma State University, Stillwater; East Central State College, Ada; Central State College, Edmond; Northeastern State College, Tahlequah; Northwestern State College, Alva; Southwestern State College, Weatherford; Southeastern State College; Durant; and Panhandle A & M College, Goodwell.

These libraries perform the following functions: (1) Circulate films; (2) Serve as advisory council to the State Department of Education on the state-wide program; (3) Conduct audio-visual classes on the campus and by extension; (4) Promote in-service programs in schools and counties of their areas; (5) Provide consultative service to administrators and classroom teachers; (6) Furnish the State Department of Education significant statistical data relating to their programs; and (7) Administer the audio-visual program on the campus at each institution.

County and District Film Libraries

There has been steady progress in the use of audio-visual materials since 1947 (beginning of AV program). Many of the larger high schools have established film libraries of their own.

However, much evidence is available to show that elimination of the state audio-visual appropriation has retarded the fine program started by the Twenty-first Legislature. Specific advantages of the matching funds are (1) it gives impetus to the use of a relatively new teaching technique, (2) it serves as an incentive to boards of education to invest local funds in audio-visual materials, and (3) it tends to equalize educational opportunity in large and small school districts.

Division of Educational Television - p. 98

The first educational television broadcasting venture in Oklahoma was in the summer of 1956. This was continued in the summer of 1957 to determine whether education by television is feasible in Oklahoma. These programs were successful and a full program was begun in the fall of 1957.

The Ford Fund for the Advancement of Education renewed its grant to continue this program for the year 1958-1959. An enrollment of 600 pupils was expected. The report goes on to say that if these programs are to be continued, they will in part have to be borne by state for 1959-60, 1960-61.

Pages 100-101 discuss generally the objectives of the educational television program and the mechanics of its operation.

State: Oklahoma

Source of information unless otherwise stated: 1961 School Laws of Oklahoma

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Sec. 159, 163
Also see Topic 13

Yes 3. Preparing curricula

(a) Sec. 156
Administrative Handbook, Bulletin 113-H, pp, 21, 24, 37, 40, 41

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(a) Sec. 159
(b) Secs. 163, 166
Bulletin 113-H, pp. 46-48
Audio-Visual Handbook, 1954, pp. 40, 41, 42, 55
27th Biennial Report, 1958

Yes 5. Organizing AV units and cooperative activities

(a) Sec. 159
Audio Visual Handbook, pp. 40, 42, 55.

Yes 6. Conferring on AV use outside of State educational structure

(b) Audio-Visual Handbook, p. 54

State: Oklahoma

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
(a) Sec. 164-165
Audio-Visual Handbook, p. 41
(b) Bulletin 113-H, p. 4

Yes 8. Selecting textbooks (and observing academic freedom)
(a) Secs. 200, 201, 208, 209, 216

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
See Topic #7 above.

Yes 10. Financing acquisition by rent or purchase
(a) Secs. 162, 164, 165
(b) Secs. 73, 427, 328

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
(a) Sec. 163
Bulletin 113-H, pp. 46, 55

Yes 12. Distributing AV aids
(a) Sec. 163
Audio-Visual Handbook, p. 55

Yes 13. Producing AV aids
(a) Sec. 455

Yes 14. Certificating teachers and AV professionals
(a) Sec. 25, 93, 94

Yes 15. Prescribing qualifications of using personnel
See Topics # 4 and 14

State: Oklahoma

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

See Topic 14.
Bulletin 113-H, pp. 12, 35-41
Sec. 25(10)

Yes 17. Building or remodeling schools to facilitate AV use

(b) Sec. 25(11), 58

Yes 18. Federal aid to schools

Sec. 25(12), (13)

Yes 19. State aid to schools

Secs. 237, 238, 240, 242, 245, 246

Yes 20. Private aid to schools

Sec. 25(16)

Yes 21. Library programs

(a) Secs. 58, 162, 408, 412, 417, 418
Bulletin 113-H, pp. 20, 48-50

Yes 22. Research programs

27th Biennial Report, 1958

23. Institutes

Yes 24. Other established procedures

Sec. 33(c)

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

Sec. 159 provides that the State Board of Education shall have authority to formulate, establish and maintain and cause to be administered a program of audio-visual education for the public schools of the State.

Sec. 163 provides that the State Board shall adopt and enforce such rules and regulations as may be necessary to make such program of audio-visual education effective.

Topic 3 - Preparing curricula

Sec. 156 authorizes the State Board to formulate, prescribe, and adopt or approve the courses of study for the instruction of pupils of the State. The required courses are listed in Sec. 156.

Bulletin No. 113-H at page 21 lists some of the more specific courses required in the Oklahoma public schools. On page 37 may be found under criterion p under the subheading, The Elementary School, the approved list of basic subjects. Similar lists are included to cover the small high school and the senior high school on pages 40-41.

Topic 4 - Advising subordinates

Article XII is primarily concerned with audio-visual education. Sec. 159 empowers the State Board to formulate, establish, and maintain and cause to be administered a program of AV education. The State Board is also directed by Sec. 163 to adopt and enforce all the necessary rules and regulations. Again, it is the State Board who appoints, employs, and fixes the compensation and duties of the necessary personnel, according to Sec. 166.

In Bulletin 113-H July 1960 the Board has listed a number of criteria relative to instructional materials and equipment on pages 46 through 48. Criterion (a) states that the choice of instructional material depends on the need and is selected through the cooperative effort of teachers and administrative personnel.

In the third edition of the Audio-Visual Handbook dated 1954 it is indicated that the Board of Education, through an Audio-Visual Coordinator organizes committees of teachers. The purpose is to recommend purchases of supplies, collect community resources, and carry on in-service programs. This information may be found on pages 40, 41, and 42. The Audio-Visual Coordinator also directs the program and directs student operator programs also.

Besides the Coordinator, the organization also includes a Building Coordinator for those schools large enough to have one.

PART IV - continued (5)

On page 55 is a drawing of the administrative set-up for AV aids in Oklahoma. This indicates that the regional and county film libraries have similar powers to the State Audio-Visual Coordinator. They provide consultative services to both administrators and teachers, conduct AV classes, and interpret the program to the community.

The Twenty-Seventh Biennial Report on page 52 states that the Division of Audio-visual Education shall publish and distribute information on audio-visual aids and shall compile statistical data on audio-visual aids.

Topic 5 - Organizing AV units

The State Board is empowered by Sec. 159 to formulate, establish and maintain, and cause to be administered the State audio-visual program. To implement this authority it published the Audio-Visual Handbook in 1954. On page 55, according to the diagram, it is suggested that State Audio-Visual Coordinator is a member of the Division of Audio-Visual Education of the State Department of Education, or a subordinate of the State Board. Coordinate bodies to this Division are the Regional, county and district film libraries.

On page 40 a diagram has the coordinator as the immediate superior in this area of all teachers. It appears that he is to organize teachers' committees to assist him in conducting the program. On page 42 the Handbook also discusses Student Operators Programs. Presumably the teachers are the ones who organize this program.

Topic 6 - Conferring on AV use outside of State Educational Structure

On page 54 of the Audio-Visual Handbook there is mentioned the holding of institutes or conferences. These are brought about by a request from the local authorities to the State Audio-Visual Coordinator.

Topic 7 - Selecting AV aids

Sec. 164 authorizes the county superintendent of any county to either purchase or rent any and all equipment necessary for the successful operation of the visual-education program in the county schools. He may also buy a film library and add films from time to time.

Sec. 165 provides that pursuant to an estimate duly made and approved the district boards are empowered to purchase or rent any and all necessary visual equipment.

In Bulletin No. 113-H at page 46 is found a list of criteria for instruction materials and equipment. Criterion (a) states that all supplies and material should be selected through the cooperative efforts of the teachers and the administration.

According to the AV Handbook, supra, at page 41, it is the State Audio-Visual Coordinator who supervises the selection of equipment and materials.

Topic 8 - Selecting textbooks

The State Textbook Committee is created by Sec. 200. It has eight members appointed by the Governor, each to serve four years. None are permitted to succeed themselves. At least three are required to be classroom teachers. The State Superintendent is designated Secretary of the Committee. The meetings are authorized by Sec. 201. In that section it indicates that there is one meeting a year. At that meeting the Committee selects textbooks for subjects taught in all grades, up to and including the twelfth grade. Five texts are selected for each subject, if possible.

Once contracts are entered into for furnishing the textbooks, the Secretary of the Committee, is directed by Sec. 208 to send a list of the books selected to every County Superintendent, District Superintendent, and local textbook committee. This local committee is authorized by Sec. 209, where it states that the members are appointed by their respective superintendents. The membership is to range from three to nine, with their superintendent as Chairman. It is these committees who adopt the textbooks which are to be used.

The State Board also is given by Sec. 216 the power to adopt rules and regulations for the issuance of textbooks to school children.

Topic 9 - Acquiring AV aids

See Topic 7.

Topic 10 - Financing acquisition

Any county or school district or educational institution supported by tax funds is permitted by Sec. 162 to establish and maintain a local film library and to expend local funds for this purpose. These funds are to be matched by State funds, therefore they are limited in amount.

The county superintendent is authorized by Sec. 164 to purchase or rent projectors. Sec. 165 provides that the district boards may purchase or rent, not only projectors, but any and all equipment deemed necessary for the successful operation and conduct of a visual education program.

Sec. 73 authorizes the district boards to provide courses and the building, equipment and facilities necessary. According to Sec. 427, county, district and municipal officers and boards who have authority to purchase or contract against all budget appropriation accounts as departmentalized and appropriated by the county excise board orders for the excise board. This excise board is declared by Sec. 328 to be a State agency to require adequate and accurate reporting of finances and expenditures for all budget and supplemental purposes.

State: Oklahoma

PART IV - continued (7)

Topic 11 - Regulating use of AV aids

Sec. 163 provides that the State Board shall adopt and enforce such rules and regulations as may be necessary to make the audio-visual program effective.

In Bulletin No. 113-H on page 46 under instructional materials and equipment are listed a number of criteria. Some of those criteria suggest that certain aids be provided. Especially pertinent is criterion (q) which recommends the minimum goals in audio and projection equipment.

On page 55 under the subheading Physical Plant, criterion (b) discusses the providing of adequate lighting in the buildings for using audio-visual materials.

Topic 12 - Distributing AV aids

Pursuant to its authority in Sec. 163, to adopt and enforce those rules and regulations necessary to make an effective program of audio-visual education, the State Board has put out an Audio-Visual Handbook, 1954. On page 55 there is a diagram which shows that the distributing of AV aids is done by any of the following three agencies: the regional film libraries, the county and district film libraries, or the Division of Audio-Visual Education.

Topic 13 - Producing AV aids

Sec. 455 provides that the Oklahoma Educational Television Authority is authorized to plan, construct, maintain and operate educational facilities.

Topic 14 - Certificating teachers

Sec. 25(9) authorizes the State Board to maintain standards of qualifications and the certification of persons for instructional, supervisory and administrative positions. The Board is directed to formulate rules and regulations governing both the issuance and the revocation of certificates for all personnel from classroom teachers to county superintendents.

It is unlawful for a board of education to employ any person unless the person holds a valid certificate issued in accordance with the rules and regulations of the State Board, Sec. 93. The same act makes the person hired violate the School Code, Sec. 94.

In Bulletin No. 113-H, p. 10, it is mentioned that one of the guiding policies of the State is that teachers should be selected by the Board of Education, only after recommendation by the Superintendent.

Topic 15 - Prescribing qualifications of using personnel

See Topics 4 and 14.

Topic 16 - Accrediting schools

In Bulletin No. 113-H at page 12 are found the regulations which relate to accrediting the schools. Regulation (a) states that the number of units for which a high school may be accredited depends upon the number of teachers, their qualifications, the instructional equipment, the facilities, and the compliance with the rules and regulations prescribed by the State Board.

These regulations are prescribed pursuant to Sec. 25(10) which authorizes the State Board to make rules and regulations for the classification, inspection, supervision and accrediting of all public .....elementary and secondary schools in the State.

Other pertinent material on the subject is found under the criteria listed for elementary and secondary schools on pages 35-41 of Bulletin 113-H.

Topic 17 - Building or remodeling schools

Sec. 25(11) states that the State Board has authority to prescribe rules governing the construction of school buildings and to furnish plans and specifications. When this is completed, the District Boards contract out the work and maintain the buildings, pursuant to Sec. 58.

Topic 18 - Federal aid

Sec. 25(12) provides that the State Board shall be the legal agent of the State to accept, in its discretion, the provisions of any Act of Congress appropriating or apportioning funds which are now, or may hereafter be, provided for use in connection with any phase of the system of public education in Oklahoma. It shall prescribe such regulations as it finds necessary to provide for the proper distribution of such funds in accordance with the State and federal laws.

Sec. 25(13) provides that the State Board shall be and is specifically designated as the agency of this State to cooperate and deal with any officer, board or authority of the United States Government under any law of the United States which may require or recommend cooperation with any State Board having charge of the administration of public schools unless otherwise provided by law.

Topic 19 - State aid

Section 237 provides that the State Board is to apportion all sums of money to which a school district is qualified to receive. The procedure by which the money is apportioned is set out in Sec. 238. The State Board notifies the County Clerk, County Superintendent, Board of Education, Superintendent of the School

PART IV - continued (9)

District and the District Treasurer of the tentative amount they are to receive. After this has been allocated the County Clerk is to add such aid to the items designated as in necessary to finance the Minimum Program. The funds received according to this provision are directed to be deposited in the District General Fund.

The State Equalization Fund is authorized by Sec. 240. It is to be determined by subtracting the amount of the Minimum Program Income from the cost of the Minimum Program. The rest of this section explains how this is to work. The Basic Operational Fund Aid is provided for in Sec. 242.

In Sec. 245 the Director of Finance of the State Board is directed to make all the apportionments. Then Sec. 246 authorizes the State Board to appoint a Chief Examiner and Deputy Examiners to audit the State Aid Funds received by the school districts. It also states that any State Equalization Aid, Basic Aid, Operational Fund Aid or transfer fees apportioned in accordance with these provisions shall be considered as State Aid Funds.

Topic 20 - Private aid

Sec. 25(16) authorizes the State Board to accept and provide for the administration of any land, money, buildings, gifts, donations or other things of value which may be offered or bequeathed to the schools under the supervision or control of said Board.

Topic 21 - Library programs

Sec. 412 establishes a Library Extension Division. Its purpose is to assist the State Librarian. This section also contains an extensive list of duties for the Division. The State Librarian is authorized to examine and issue library certificates by Sec. 418. Cities of the first class are enabled by Sec. 417 to employ head librarians.

Sec. 58 - Local school boards are the ones who maintain the libraries.

Sec. 162 authorizes local districts to establish and maintain a local film library. They are permitted to use local funds.

Bulletin 113-H, p. 20, includes some of the regulations which have been established for the administration of libraries. Pages 48-50 contain a list of criteria for libraries. Specifically, criterion (a) provides that adequate provision should be made for audio-visual materials, in the libraries.

Topic 22 - Research programs

The Twenty-Seventh Biennial Report, 1958 at page 110 discusses the Division of Research and Census. The research division acts as the research agency for public education in the State. Its chief function is to a statistical and reporting agency and to act as a clearing house for data, research problems, and other types of information pertaining to education.

PART IV - continued (10)

Topic 23 - Institutes

No references.

Topic 24 - Other established procedures

Sec. 33(c) provides that the county superintendent shall visit schools and advise with teachers, and confer with them and with local officials with the view of coordinating the school systems, programs, curricula and activities of all of the schools and school districts of the county.....

OREGON (1959-60)

Enrollment in full-time public schools:

Elementary	288,638
High School	100,134
Number of school districts (including non-operating)	572
Number of elementary schools	1,071
Number of high schools (including junior high)	275
Expenditure per pupil in average daily attendance	$448

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

OREGON

County and Independent School Superintendencies

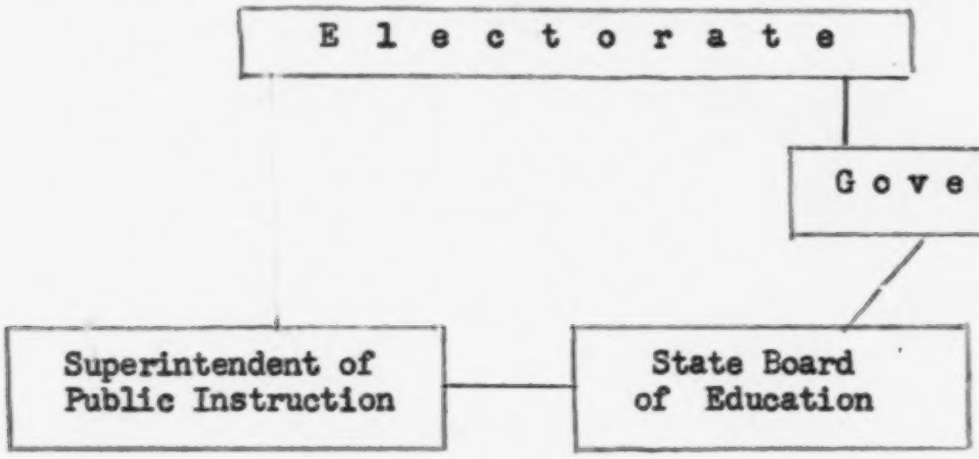
There are 157 school superintendencies in the State: 2 complete county-unit superintendencies, 3 partial county-unit superintendencies, 31 county-intermediate superintendencies, and 121 independent city or town superintendencies. The superintendents of the 31 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 161.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 127-128.

OREGON

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools...

   State Board of Education.--Consists of 7 members appointed by the governor, subject to confirmation by the senate, for overlapping terms of 7 years. The governor must select resident citizens of Oregon not engaged in school teaching, administration, or operation, appointing 1 member from each congressional district and the remainder from the State at large.

   b. Supplementary programs

   Board of Commissioners for the Sale of School and University Lands (administrative --Consists of 3 ex officio members--the governor, secretary of State and State treasurer. The board manages and sells State school lands, administers and invests the funds arising therefrom, and administers other trust funds.

   State Board of Textbook Commissioners (administrative).--Consists of 5 members appointed by the State board of education for concurrent 4-year terms. Members are citizens of recognized scholarship and professional standing who have been actively and continuously engaged in teaching or school supervision in the State for 5 years preceding appointment. Members are selected from various parts of the State, and no 2 are from the same county. The board of textbook commissioners meets every 2 years to select textbooks for a 6-year period for approximately one-third of the elementary and high school subjects. The State board of education enters into contracts with publishers of the books adopted. The board of textbook commissioners also serves the State board of education as an advisory committee on curriculum construction.

See below.

3. Chief State School Officer

~~The superintendent of public instruction is elected on a nonpartisan ballot for a 4-year term. He serves as the executive officer of the State board of education.~~

7. Coordination of the State Education System Through Structure

The State board of education and the superintendent of public instruction are jointly responsible for the coordination of the State program of public elementary and secondary education...

8. Coordination of the State Education System Through Ex Officio Memberships

The governor, the secretary of State, and the State treasurer constitute, ex officio, the board of commissioners for the sale of school and university lands. No other education boards have ex officio members.

9. Fiscal Coordination

Two education budgets are submitted to the State budget director, that submitted by the superintendent of public instruction with the approval of the State board of education....

The governor prescribes, adopts, and promulgates the rules and regulations necessary in preparing the State budget. He prescribes the appropriate blanks, forms, and statements essential to facilitate uniformity in furnishing the data he needs, and he is empowered to revise, increase, or diminish budgetary requests. The governor is authorized to appoint an executive secretary, the State budget director, to assist him in the performance of these duties.

3. Chief State School Officer

The superintendent of public instruction is elected by the State Board of Education. The person elected shall have been a resident of Oregon for the five years immediately preceding the date of election. He serves as executive officer of the State Board of Education. (1961 amendment to Sec. 326.010of Oregon Revised Statutes)

State: Oregon

Source of information unless otherwise stated: Title 30, Oregon Revised Statutes, 1961 Replacement Parts (including changes contained in 1961 Sess. Laws)

PART I

Educational Organization

State level:

Department of Education: called Department of Education

how organized: Superintendent of Public Instruction is executive head. Consists of State Board of Education, Division of Vocational Rehabilitation, State Board of Textbook Commissioners, and such other agencies and offices as are added by law. §326.140

established by: §326.140

is it a body corporate:

State Board of Education: called State Board of Education

established by: §326.060

is it a body corporate:

composition: 7 members §326.060(1)

how selected: Appointed by Governor. One member from each congressional district. §326.060(1)

is confirmation necessary: Yes, by Senate §326.060(1)

subject to what control: Governor, who may remove for cause §326.063

to whom reporting: To legislative assembly, bieenial reports. §326.095 (see also §291.572)

term of office: 7 years (except first members with 1-7 yr terms) §326.095

Chief state school officer: called Superintendent of Public Instruction

office established by: §326.095(3). See also Ore Const. Art VIII, Secl.

how selected: Elected by State Board of Education, §326.005(1)

is confirmation necessary: No.

subject to what control: State Board of Education §326.005, §326.020

to whom reporting: No set requirements, but reporting probably within §326.095 in report to legislature (above). Former §326.030 (est. reports) renumbered to §326.095 discussed above.

term of office: Not mentioned. Was 4 years under old §326.010 repealed c. 624, Laws 1961, §8

staff and who appoints: Sup. of Pub. Inst- Appts Deputy Sup of Pub. Inst. §326.054; He may also appt clerks assistants, §326.056.

Other organization or official: called

State: **Oregon**

NOTE: For various exceptions and variations, see attached sheet.

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education, if any: called **County Educational Board (But created *only for counties having more than 60 school districts) See discussion infra.**

established by: **§329.610**

is it a body corporate: **No**

composition: **4 members §329.610**

how selected: **By county school superintendent §329.610**

is confirmation necessary: **No**

subject to what control: **Can be dissolved by school districts 329.680**

to whom reporting: **None stated**

term of office: **4 yrs §329.610**

Administrative officer of unit; called **County School Superintendent**

office established by: **Only §334.120 can be cited here. Section establishing office repealed by 1957 Laws, Ch. 678, §1 (see attached sheet)**

how selected: **By Rural School Board §334.120**

is confirmation necessary: **No**

subject to what control: **Evidently to Rural School Board 334.120**

to whom reporting: **Reports to Superintendent of Public Instruction §329.070**

term of office: **No set term, to be established by Rural School Board §334.120**

staff and who appoints: **None stated. But Cty Educational Bd appoints supervisors to work under county school superintendent, §329.660.**

State: Oregon

NOTE: For several modifications and alternatives, see attached sheet.

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School District §330.010

how organized: Into First, Second, Third class districts based upon number of school age children. §330,020. Also administrative districts §330,505.

composition: (see below re district school board)

is it a body corporate: Yes 330.060, 330.220

Board of education: called District School Board

established by: §332.040(1)

is it a body corporate: No.

composition: 5 directors §332.010 except school districts having over 100,000 population, then 7 directors §332.450

how selected: elected by ballot §332.010

is confirmation necessary: No

subject to what control: Evidently to county school superintendent though not clear 332.030. Obvious control by taxpayers in elections

to whom reporting: Annual reports to taxpayers (not mandatory) §332.370

term of office: Appears to be five year term 331.350 except in 1st class districts over 100,000, where have 4 year term, §331.120.

Administrative officer of unit: called Chairman

office established by: §332.040

how selected: Elected by school board §332.040

is confirmation necessary: No.

subject to what control: Assume control of board. §332.040

to whom reporting: Assume to board, but not stated.

term of office: Not more than 2 years.

staff and who appoints: Not stated. But, district school board appoints school clerks (who may in fact be the principal working member of the board). §332.510

State: **Oregon**

PART I

Educational Organization (continued)

Schools

Principals

appointed by: **District School Board §332.320**

qualifications: **Not stated**

term of office: **Not Stated**

Teachers

appointed by: **Superintendent of Public Instruction issues certificate. §342.015. But District School Board does hiring, §342.505.**

qualifications: **Spelled out in detail in §342.060. No apparent out of the ordinary qualifications.**

certification: **§342/005 granted subject to rules and regulations of State Board of Education.**

tenure: **Details spelled out in §§342.216-218. Apparent 3 year tenure provisions, but many exceptions.**

special assignments:

County Unit System

Apparently, one of the major exceptions to the basic structure described on the attached worksheets appears in the County Unit system which is established by Chapter 333.

Basically, under §333.005 and §333.010, in any county where the chapter becomes effective, there shall be two classes of school districts known as (1) city school districts and (2) county school districts.

City school districts are established where there are at least 1000 children of school age and where a city or incorporated town is included (333.015). Basically, the operation follows 1st class school districts either under 100,000 or over 100,000 as applicable (333.020). Significantly, all reports and appeals required or permitted to be made from first class school districts to the county school superintendent are required or permitted to be made by city school districts to the Superintendent of Public Instruction. (Emphasis added.)

The second type is the county school district, which is discussed in considerable detail in Ch. 333. Includes all territory not included in a city school district (333.040). Apparently, this has no effect upon the Union high school district.

Composition of the county school board: 5 members (and all of the board of directors of the city school district when consolidation 333.100) under §333.150. They are elected by qualified voters in the district for 5 yr terms (ibid).

The principal officer is the county district superintendent of schools (not the same as the County School Superintendent) §333.210. The county school board also has the power to employ all necessary assistant superintendents, supervisors teachers, janitors and to fix their compensation.

The county district superintendent of schools is the executive officer of the county school board.

Significantly, §333.260 abolishes the office of county school superintendent when Ch. 333 becomes effective.

Local school committees in each subdistrict of the county school district are also established with 3 or 5 members (depending upon number of school age children) elected by the voters in the subdistrict. The local school committee's duties are spelled out in §333.290.

Rural School District Law

This law applies generally except for a county operating under Ch. 333, supra. Under §334.010, there is created in any county (except as above) which has more than one school district a district to be known as the rural school district and a governing body thereof to be known as the rural school board consisting of members of the school boards of all school districts within the county.

One significant point, as noted in the worksheet, is that the Rural School Board employs a county superintendent of schools who shall have the duties set forth in Chapter 329. Prior to 1957, §329.010 established the elective office of the county school superintendent. This section was repealed by 1957 Laws, Ch. 678, §1. Under §334.120, the elective office of county school superintendent is abolished and he is appointed, as noted, by the Rural School Board.

(Rural School District Law con't)

The school boards of rural school districts shall consist of seven directors. §334.025. This does not compare with the 5 directors mentioned by §332.010 (except for school districts having over 100,000 population). In this regard, §334.020 indicates that the rural school district embraces all territory within the county.

The term of office of members of rural school boards shall be 3 years if the population is under 300,000 and 4 years if over 300,000 population.

The rural school board may employ school supervisors etc. Taxes may be levied by the rural school district. §334.270.

It would appear that the rural school district law must be read in conjunction with the laws governing school districts and boards (Chs. 330 & 332) and the laws governing duties of the county school superintendent (Ch. 329). Hence, in addition to school districts as outlined above, a rural school district is established in every county. It is not clear whether first, second and third class districts function along~~xxx~~ side or under the rural school district, although a caveat appears in view of the fact that the county ~~superintendent-~~ school superintendent is appointed by the ruralschool board and has the duties contained in Ch. 329.

Union High School District Law See§§325.205-505.

County High School Law §§335.705-850. Duties basically similar to 1st class school district (335.760)

State: Oregon

Source of information unless otherwise stated: Title 30, Oregon Revised Statutes, 1961 Replacement Parts.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

§326.080 Board Powers. In addition to such other powers as are conferred by law, the State Board of Education may:

* * *

(2) Authorize and supervise the development of regional centers for instructional material and regional film libraries.

§326.090 Board duties. In addition to such other duties as are prescribed by law, the board shall:

* * *

(2) Authorize state courses of study for the public schools

* * *

(4) Establish state standards for public schools. In establishing these standards, the state board shall consider first the goals of modern education and the requirements of a sound comprehensive curriculum with particular emphasis on establishment of the highest practical scholarship standards and, in secondary schools, establishment of the academic standards necessary to enable students to attend institutions of higher education both within and without the State of Oregon. The board shall also consider the health, safety, and scholastic needs of the students; the population, climate, economy and geography of the school districts; and any other factors necessary to the maintenance of a modern and efficient school system.

§326.102 Acquisition of intellectual property by board. The State Board of Education may acquire intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes and ideas. Such property may be acquired:

(1) By gift.

(2) By outright purchase with money in the Board of Education Invention Fund or otherwise made available for such purpose

(3) By assignment pursuant to a contract whereby the board undertakes to aid in the development of the assigned property and to pay the assignor a share of any money received on account of its ~~xxxx~~ ownership or management thereof.

326.104 Management, development and disposition of intellectual property. (1) The State Board of Education may manage, develop or dispose of property acquired under ORS 326.102 in any manner deemed by the board to be in the public interest. The board may contract with any person regarding such management, development or disposition.

[The remaining portion of the above section relates to terms and conditions of transactions indicating that no formal competitive bids are required]

326.106 Revenue from intellectual property; Board of Education Invention Fund; purpose. (1) Money received by the State Board of Education as a result of ownership or management of property acquired under ORS 326.102 or of transactions regarding such property shall be deposited in the State Treasury and credited to a special fund separate and distinct from the General Fund and designated "Board of Education Invention Fund."
(2) The moneys in the Boar of Education Invention Fund hereby are appropriated to the board for the following purposes:
(a) To pay the agreed share of an assignor of intellectual property
(b) For the advancement of research in an institution under its control
(c) For the acquisition, management or development of intellectual property.

332.050 General duties of district school boards. The general duties of district school boards are as follows:

* * * *

(4) To furnish their schools with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and may furnish such other supplies, equipment, apparatus and services as the board deems advisable.

* * * *Z

(6) To perform such other duties as the wants of the district may from time to time demand.

332.085R Power to create indebtedness for current expenses andbond retirement; limitation. (1) Any district school board may contract indebtedness by the issuance of warrants or short-term promissory notes for the purpose of meeting current expenses, retiring outstanding bonds or warrants, or paying the interest thereo, whenever provision therefor has bean made in its duly adopted budget. * * *

337.050 Adoption of books and instructional materials. (1) Except as provided in ORS 337.140, the State Board of Textbooks Commissioners shall adopt, for a six-year period, a multiple choice list of textbooks for each grade and subject field in the standard curriculum of all public elementary and secondary schools. They may adopt such other instructional material as they deem desirable for each grade and subject field.

(PART II con't)

(337.050)

* * * *

(3) Board meetings shall be public. The vote upon the adoption of each textbook or item of instructional material shall be viva voce and the vote of each member recorded in the board minutes. A minimum of three votes is necessary for adoption of any textbooks or item of instructional material.

337.120 School board selection and use of adopted textbooks and instructional materials. (1) Except as otherwise provided by ORS 332.440 and 337.140, the district school board, with the advice and assistance of district teachers and school administrators, shall select textbooks and other instructional materials for each grade and subject field from the multiple choice adoption list. The board shall cause the books or materials so selected to be introduced and used in their schools at the beginning of the next school year following adoption.

* * *

337.220 Textbook regulations of first class districts. First class district school boards shall have the same power and authority in their respective districts as granted by ORS 337.200 to the State Board of Education.

332.110 Control of schools and teachers. Except where statutes are inconsistent with this section, district school boards shall have entire control of their district public schools and of teachers employed by the district.

337.520 Definitions As used in ORS 337.510 to 337.570:

* * *

(2) "A curriculum improvement plan" means a written proposal for the study, development or reorganization of the design for educational experiences for children by a school district or by the Department of Education

* * *

337.530 [Simply gives Superintendent of Public Instruction power to provide rules and regulations concerning approval of plan].

328.530 Taxing power of first class districts. (1) The school board of a first class school district shall have power to levy a tax once each year upon all real and personal property in such school district for the maintenance, operation and support of the district public school system.
(2) In all school districts having 20,000 or more children of school age, the district school board hereby is authorized to fix the ~~xtax~~ to be levied for the support of the district.

State: Oregon

Source of information unless otherwise stated: Title 30, Oregon Revised Statutes, 1961 Replacement Parts.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

STATE RADIO STATIONS

354.010. Management of state radio station at Oregon State University. The State Board of Higher Education is declared the managing agency of the state-owned radio station KOAC, licensed to Oregon State University, and as such shall prescribe rules and regulations in conformity with the regulations and laws of the United States Government relating to radio stations generally, governing the use, operation and control of the facilities of such radio station. By such rules and regulations the board shall make the facilities of such radio station available to all departments and agencies of the State of Oregon, but may require any state department or agency so making use of the facilities of the radio station to pay therefor a reasonable charge. The money derived therefrom shall be used for the generl operating and maintenance expense of the radio station.

354.020. Use by state agencies. Every department or agency of the State of Oregon may make such use of the facilities of radio station KOAC as it may deem conducive to the best interests of the State of Oregon, and may pay to the State Board of Higher Education, in consideration for the use of the facilities of such radio statin, such reasonable charge as may be required, all subject , however, to such rules, regulations or orders as the State Board of Higher Education may make regarding such use.

354.090 Management of state radio station at Oregon Technical Institute. The State Board of Higher Education is declared the managing agency of the Fm radio station KTEC, licensed to the Oregon Technical Institute, and as such shall prescribe rules and regulatins in conformity with the regulations and laws of the United States Government relating to educational FM radio stations. By such rules and regulations the State Boad of Higher Education shall make the facilities of the radio station available in the training programs of the Oregon Technical Institue.

STATE TELEVISION STATIONS

354.210 Management of educational television facilities of State Board of Higher Education.
The State Board of Higher Education hereby is delcared to be the managing agency of educational television facilities for which it is the licensee of the Federal Communications Commission, and shall prescribe rules and regulations, in conformity with the laws and regultions of the United States Government applying to noncommercial educational television stations, to govern the use, operation and control of the facilities. The rules and regulations shall be made in accordance with the determintion of what is in the best interet of the people of Oregon to meet their educational and cultural needs.

354.220. Use by state agencies and public and private organizations.
(1) Subject to the provisions of subsection (2) of this section, the State Board of lHigher Education shall make the facilities of any educational television station, for which it is licensee, available to all departments and agencies of the State of Oregon and to any private or public corporation, firm, organization or association for cultural or educational purposes.
(2) No department, agency, corporation, firm, organization or association shall be allowed to use the facilities of any educational television station for which the State Board of Higher Education is the licensee, unless:
(a) The department, agency, corporation, firm, organization or association agrees to conform in its use of the facilities to the rules and regulations issued by the State Board of Higher Education.
(b) The department, agency, corporation, firm, organization or association agrees to pay reasonable charges fixed by the rules and regulations of the State Board of Higher Education based on the operating expenses of the television facilities used. The amounts received under the provisions of this paragraph hereby are apporiated for thepurpose of paying the operating expenses of any educational television station for which the State Board of Higher lEducation is the licensee. No charges under the provisions of this paragraph shall be, or be considered to be, charges based on the amount of television time given to the payer. As used in this paragraph, "operating expenses" means technical, programming, administrative and maintenance expenses, including reasonable building and equipment reserves, but does not include capital outlay for the initial plant and equipment.

354.230 Acceptance and use of gifts. The State Board of Higher lEducation may encourage and accept gifts for the development of the facilities of educational television statins for which it is licensee. All gifts to the State Board of Higher Education for such purposes shall be used subject to the terms of the gift. Subject to such terms, the gifts may be invested by the State Board of Higher Education.

354.290 Application of state or non-profit corporation for FCC license.
The STate Board of Higher Eduation or any nonprofit corporation organized under the laws of Oregon for educational television purposes may apply to the Federal Communications Commission for permits to construct noncommercial educational television statins in Oregon to utilize any channel allocated for that purpose by the Federal Communications Commission and may apply for licenses to operate such stations.

PART III (Con't)

OTHER SPECIFIC MATERIAL ON AV AIDS

Source: 44th Biennial Report, Oregon Education, 1961.

The superintendent of public instruction acknowledges that adequate audio-visual materials are necessary for a good instructional program. (P. 11)

The report goes on to desdribe the Instructional Services Section formed in April of 1959 to provide a unit in the Department of Education for the coordination of responsibilities created by Oregon's participation in the National Defense Education Act of 1958. Consultant services are available and instructional materials including audio-visual aids are likewise made available (p. 22-23)

In discussing trends and needs in Oregon education (pp.29-30), the report indicates that the supply of audio-visual and library materials and equipment in the state has suddenly grown. "Consultant service in the aduio-visual phase of instructional materials area has not been adequately supplied since the heavy time demands for processing NDEA Title III applications have prevented the Audio-Visual Instructional Materials Consultatn, who is also the Title III Acquisitions coordinator, from devoting the necessary time to professional activities in his special area." (p. 30)

Source: Guide to Secondary Education in Oregon for school years 1961-1963 (Issued by State Department of Education, 1961)

This book has an excellent discussion of the use of Audio-Visual aids (pp.21-35) It sets out the methods which should be adopted within the state, relying upon several publications of the National Education Association. However, there are no specific references to actual existing practices within Oregon; rather, this book is merely a guide to a suggested future program using audio-visual aids. It would seem to indicate, however, that the ~~receipt~~ reception of such material in Oregon is or may be no problem.

State: Oregon

PART III - continued

Source: Laws Relating to the Oregon Public School System, 1961

CHAPTER 535

Relating to the use of educational television and radio as means of instruction in the public schools of Oregon; creating new programs

Be It Enacted by the People of the State of Oregon:

Section 1. The purpose of this Act is to encourage the development of and provide means for making educational television and radio programs of direct instruction and instructional enrichmeng for pupils and in-service education for teachers available to the public schools of the state, and to provide for the authorization and approval of such programs by the State Department of Education.

Secion 2. As used in this Act, unless the context requires otherwise:

(1) "Educational television and radio" means programs for direct teaching, programs for instructional enrichment, and programs for in-service education of teachers which are transmitted for viewing or listening in connection with instruction in public elementary and secondary education by state-operated educational television and radio stations.

(2) "Direct teaching" means instruction primarily by educational television or radio in a subject or course of study which is a part of the public school curriculum as authorized by the State Board of Education.

(3) "Instructional enrichment" means instruction by means of educational television or radio which is designed to improve, supplement, complement, or strengthen instruction in a subject or course of study which is a part of the public school curriculum.

(4) "In-service programs for teachers" means programs which are designed to strengthen and improve the knowledge and understanding by teachers of subject matter content of courses taught in the public elementary and secondary schools; and programs designed to improve the understanding, knowledge, and skills of teachers relating to methods of teaching, the nature of the learning process, the nature of the learner and other matters connected with the instructional program of the public schools.

Section 3. Educational television and radio are hereby declared to be and authorized as suitable means of instruction in the public schools of Oregon to the extent that may be approved by the State Department of Education and accepted by local school district officials.

Section 4. All educational television and radio programs provided by state-operated educational television and radio stations for direct teaching, instructional enrishment, and in-service education of teachers as defined in this Act shall be approved by the State Department of Education.

State: Oregon

PART III - continued

Section 5. The State Department of Education may utilize its appropriate personnel and facilities and any funds made available to it:

(1) To stimulate interest by school districts in the appropriate use of educational television and radio in the public schools.

(2) To plan and produce suitable educational television and radio programs of direct instruction, instructional enrichment for pupils, and in-service programs for teachers in the public schools.

(3) To cooperate with officials of state-operated educational television and radio stations in planning and producing suitable programs of direct teaching and instructional enrichment, and in planning and producing in-service programs for teachers for the public schools.

(4) To assist local school districts in planning suitable programs of educational television and radio for the public schools, and to cooperate with officials of state-operated educational television and radio stations in producing such programs.

(5) To employ personnel and pay expenses for services, materials, equipment and supplies necessary for the administration of this Act.

(6) To contract for and pay for professional services utilized in the development and production of programs for educational television and radio.

(7) To purchase, rent, lease, or contract for use of filmed, taped, or otherwise recorded educational television and radio programs from available sources.

Section 6. The State Board of Education shall appoint an advisory committee of seven members to advise the Superintendent of Public Instruction on the planning and preparation of in-school television programs.

Approved by the Governor May 24, 1961
Filed in the office of Secretary of State May 25, 1961.

State: Oregon

Source of information unless otherwise stated: ____________________

____

____

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids, **See §§354.010 - 440, Educational Television and Radio, supra, Part III, covering planning and use of such AV aids.**

Yes 3. Preparing curricula The State Board of Education has the general power to authorize state courses of study for the public schools. **Sec. 326.090.** Likewise, the Sup. of Pub. Inst. shall cause to be prepared state courses of study for public schools. These are printed and distributed to schools **Sec. 326.020(8).** The district school board must see that the courses of study prescribed are carried on. However, it may establish others supplemental but

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Under §337.010,et. seq., the State Board of Textbook Commissioners must adopt Textbooks for use in the schools. This includes the adoption of "such other instructional material as they deem desirable for each such grade and subject field." §337.050. Under §337.100, a circular, from the Superintendent of Public Instruction (issued in every odd-numbered year) must be sent to each

Yes 5. Organizing AV units and cooperative activities **(con't)**

See Part III with reference to Educational Television and Radio, §§354.010-040.

No 6. Conferring on AV use outside of State educational structure

State:/ Oregon

PART IV (continued)

Yes or
No

Yes 7. Selecting AV aids (and observing academic freedom)
See Item No. 4. discussing §§ 337.050 and 337.120 covering the adoption of instructional material by the State Board of Textbook Commissioners and the district school board respectively.

Yes 8. Selecting textbooks (and observing academic freedom)
See No. 4. supra.

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
There are definite provisions covering the acquisition of such materials, see discussion infra.

Yes 10. Financing acquisition by rent or purchase

There is no apparent specific provision covering the financing of the acquisition of AV material by rent or purchase; however, Sec. 326.102 relating to the acquisition of intellectual property (which could be construed as covering AV material) does relate to this matter, see infra.

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
To some extent, specific provisions may be found in §326.020(2) and (3) relating to the duties of the Superintendent of Public Instruction (discussed infra). See also, for general reference, §§354.010-440, Part III supra as to regulations over TV, Radio for educational purposes.

Yes 12. Distributing AV aids

See § 326.080 relating to the establishment of regional centers for instructional material, discussed infra.

Yes 13. Producing AV aids

See §326.102, 104 relating to the acquisition, management and development of intellectual property which could conceivably be broadly construed as relating to the production of AV aids, though it is doubtful whether such a specific purpose was intended. This is discussed infra.

Yes 14. Certificating teachers and AV professionals
General authority re: certification of teachers is, under the 1961 Act, contained in §§ 342.120-190, discussed infra. See generally, again, Part III, §§ 354.010-440 relating to TV and radio control and the powers over personnel involved in these operations.

Yes 15. Prescribing qualifications of using personnel
See No. 14 and generally, §332.110 discussed infra.

State: Oregon

PART IV (continued)

Yes or
No

Yes 16. Accrediting schools There appears to be no specific provision covering the accrediting of schools. Under §326.090 (supra Part II), the State Board of Education has the duty of establishing state standards for public schools. Under §326.020(2), the Superintendent of Public Instruction has the duty of visiting the principal schools of the state for the purpose of inspection. This brings us to §327.032 which states that all school districts (con't)

Yes 17. Building or remodeling schools to facilitate AV use
There appears to be nothing directly on this point, but see generally questions 7 as it relates to school districts. Also, §332.380 states, in part, that a district school board may "(1) Furnish, equip, repair, lease and build schoolhouses, including high schools, junior high schools, vocational schools, technical schools * * *" (con't)

Yes 18. Federal aid to schools Under Sec. 327.605, the Superintendent of Public Instruction is designated as the state agency to apply to a receive from the Federal Gov't grants for aid of public elementary and secondary schools and their auxiliary services, improvement of teacher preparation. Under Sec. 327.610, he has the power to disburse these funds and adopt, carry out, administer a plan "for disbursement for any such purposes, which plan (con't)

Yes 19. State aid to schools

The general and specific provisions governing State aid to schools are ~~is~~ contained in Chapter 327, discussed in detail in attached pages.

Yes 20. Private aid to schools
See discussion in Note 19 supra and generally, Section 327.655 authorizing the State Board to receive funds fom private sources.

Yes 21. Library programs

Provisions relating to State Libraries are contained in Secs. 357.010-960. See general discussion of several pertinent provisions, infra.

Yes 22. Research programs
There are certain programs in the nature of research programs established with respect to the improvement of teaching (327.485) and the improvement of the curriculum (337.510-570). See full discussion infra.

Yes 23. Institutes
Teachers' institutes are established by §§342.665 and 342.675, see full discussion infra.

_____ 24. Other established procedures

3. (con't) not inconsistent with such courses. First class districts can prepare and adopt their own courses of study in elementary and high schools. See Sec. 332.340. A curriculum improvement program is established under §§337.510-570. Under Sec 327.068, a special account ($80,000 each year) is established to be used in connection with the curriculum improvement program.

~~4xxx(con't)xxState Board of~~

4. (con't) county school superintendent indicating all textbooks adopted "and such other facts and information", the latter presumably covering other instructional materials. Then, under §337.120, the district school board, with the advice and assistance of teachers, administrators, selects textbooks "and other instructional materials for each grade and subject" and causes them to be used at the beginning of the next school year following adoption. This selection is evidently made from the above circular.

9. Under §354.430, the State Department of Education may utilize funds

> "(7) To purchase, rent, lease, or contract for use of filmed, taped, or otherwise recorded educational television and radio programs from available sources."

The purchasing of textbooks is governed by §337.170 authorizing first class districts to purchase books from the publishers or dealers or from the State Board of Education. Second and third class districts purchase their textbooks through the State Board of Educationa only. This section does not refer to other instructional materiald although it follows the section permitting the district school board to adopt textbooks and instructional materials (§337.120). Sec. 328.520 refers to the budgeting for the purchase of texrbooks by the districts.

Sec. 332.050(4) states that one of the dutdes of the district school board is to furnish their school with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and that it may furnish such other supplies, equipment, apparatus and services as the board deems advisable. §332.238 goes on to provide that district school boards shall provide their school districts with school buildings, improvements, maintenance, repairs and other school materials or services by advertising for sealed bids. Sealdd bids are not necessary in cases of emergency. §332.252.

Sec. 326.102 gives the State Board of Education the power to acquire intellecutal property of any kind including patents, copyrights, inventions, discoveries, processes and ideas. This can be done, among other ways, by outright purchase with money in the Board of Education Invention Fund or otherwise made available for such purpose.

10. Sec 326.102 allows the State Board of Education to obtain intellectual property of any kind by purchase with money in the Board of Education Invention Fund or money otherwise made available fr such purpose. Since the Board may manage and develop such property (§326.104), all moneys received from such actions are deposited in the State Treasury and credited to a special Board of Education Invention Fund under Sec. 326.106.

11. Sec. 326.020(2) provides, in part, that:

> "He [the Superintendent of Public Instruction] shall keep *statistics* of the condition of schools, buildings, appurtenances, *apparatus* libraries, the conduct and standing of pupils, *methods of instruction* and the discipline and government of schools." (emphasis added.)

In addition, §326.020(3) states that the Superintendent of Public Instruction shall "Visit, when practicable, all the chartered educational institutions of the state and shall secure such statistical information relative to the number of students, teachers, value of property libraries, salaries and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature."

From the above, it appears that the Superintendent of Public Instruction has the power to maintain control and statistics over the use of AV material and using personnel.

12. One of the powers of the State Board of Education, under §326.080 is to

> "(2) Authorize and supervise the development of regional centers for instructional material and regional film libraries."

A letter dated Mar. 12, 1962 from the State of Oregon indicates that a Hq library and two regional libraries have been established for a film rental service. This is operated under and through the State System of Higher Education.

13. Sec. 326.102 permits the State Board of Education to acquire intellectual property, including copyrights, etc. (Part II *supra*). Then, Sec. 326.104 allows the Board to manage, develop this property in any manner deemed by the Board to be in the public interest.

Presumably, therefore, the Board could produce an AV aid under these sections by purchasing a copyrighted work and developing it as an AV aid.

See Part II for specific provisions covering the use of intellectual material acquired by the Board.

14. There are 6 types of teaching certificates established in §342.125. For a basic teaching certificate, in addition to other requirements, the applicant must meet

> "*** such other requirements as the board may consider necessary to maintain and improve the quality of instruction in the public schools of the state." (§342.135(2)).

In addition, the board has general rule making power under §342.165 to carry out the certification program. The last sentence of this section provides:

> " In establishing such rules and regulations, the board shall consider the norms required for the teaching assignments, the improvementx of teaching, the adequacy of the teacher supply and such other matters as tend to improve education."

These general provisions would seem to allow for specific requirements re AV Aids.

15. Sec. 332.110 provides:

> "Except where statutes are inconsistent with this section, district school boards shall have entire control of their district public schools and of teachers employed by the district."

Sec. 332.320, permitting the district school board to employ personnel (e.g., teachers, coaches etc.), also allows them to define their duties.

Of general application would be §326.090(3) allowing the State Board of Education to prescribe, publish and distribute rules and regulations for the government of the public schools.

16. (con't) are presumed to maintain a standard school until the school has been inspected by the Superintendent of Public Instruction and found to be deficient. If any deficiencies are found and not correct before the next school year, the school district shall be ineligible to receive any apportionment from the Basic School Support Fund until the deficiencies are corrected.

17. (con't) Under the County Unit System, one of the duties of the county school board is to "(4) Leasex and build schoolhouses, buy and lease lands for school purposes, and furnish the schoolhouse with proper furniture, light, fuel, apparatus and other supplies."(Emphasis added.) §333.210(4).

18. (con't) shall be state-wide in application in so far as reasonably feasible, possible or permissible. The plan shall be devised to comply with existing federal requirements and not be contrary to or inconsistent with the laws of this state." Sec. 327.610(2). Secs. 327.605-640 generally cover federal aid to education in Oregon, although the above sections are indirectly pertinent to AV materials.

19. Sec. 327.014 provides for the basic appropriations to the Basic School Support Fund of moneys in the General Fund.

As mentioned, several specific appropriations are made, e.g., special account for curriculum improvement programs (327.068), reserve fund for studies (327.105)

Sec. 327.485(1) significantly provides:

> "There is established in the General Fund of the State Treasury, an Educational Improvement Fund which shall consist of all moneys made available to the State Department of Education by the state and by charitable and philanthropic foundations, organizations and agencies for the purpose of experimental and demonstration programs designed to improve teaching and teacher education in this state."

Sec. 327.490 goes on to provide that the State Board of Education may contract with the school districts and any institutions of higher learning for the purpose of carrying out any phase of the projects envisioned under 327.485. Finally, Sec. 327.495 indicates that all funds received by the State Board for distribution to school districts or institutions of higher education for the purpose of carrying out experimental and demonstration programs to improve teaching and teacher education are continuously appropriated for such purpose.

Clearly, the above provisions create a fund to allow for all improvements in teaching programs and education of teachers, which would appear to cover the introduction of AV aids as teaching aids and as improving methods of teaching.

20. Sec. 327.655 authorizes the State Board of Education to take, by gift, devise, bequest or in any other lawful manner, money or property for the ultimate benefit of the public schools and to use such money or property for the purpose for which it was donated.

See also quoted provisions in Note 19 supra relating to funds received from philanthropic foundations, organizations and agencies.

21. Under §357.220, the Trustees of the State Library are designated as the agency to apply to and receive from the Federal Government or any agency thereof such grants for promoting library service as may be available to the State of Oregon or subdivisions.

Then, under §357.230, the Trustees' duties regarding federal funds are, in part, as follows:

> (1) Disburse or supervise the disbursement of all funds made available by the Federal Government or the State of Oregon for promoting library service
>
> (2) Adopt, carry out and administer a plan or plans for promoting library service. The plan or plans shall be statewide in application

> so far as reasonably feasible, possible or permissible and shall be devised to meet the approval of the Federal Government or any of its agencies. The plans shall not be contrary to or inconsistent with Oregon laws.

Another provision (357.500) permits the public library board of any county levying a tax under 357.430 to accept sites, buildings, equipment or other donations, bequests or gifts for public library purposes.

General powers and duties of the Trustees are contained in §357.031 allowing them, in part, to acquire property necessary for the maintenance of good library service etc.

22. In the area of research programs into the improvement of teaching, Sec. 327.485, as noted in note 19 supra, establishes an Educational Improvement Fund for the purpose of experimental and demonstration programs designed to improve teaching and teacher education in the state of Oregon. See also §§327.490 and 327.495, discussed in note 19 supra.

There is also established, under §§337.510-570, a curriculum improvement program. Notably, curriculum improvement plan means (327.520(2)) "a written proposal for the study, development or reorganization of the design for educational experiences for children by a school district or by the Department of Education." A school district is entitled to an apportionment from the Curriculum Improvement Fund established in §327.068 once it properly proves to the Superintendent of Public Instruction that a curriculum improvement plan has been satisfactorily carried on as previously approved by the Superintendent. State-wide programs under the Department of Education are also encouraged (337.550).

23. Sec. 342.665 allows the County School Superintendent to hold an annual teachers' county institute for not more than two days for the instruction of teachers and those desiring to teach. All teachers in the public schools of the county, except teachers in first class school districts in which local inservice programs are held, shall be required to attend. Significantly, this section goes on to state:

> "The Superintendent of Public Instruction shall set standards for such institutes and may, upon a written complaint of the county superintendent, revoke the certificate, or refuse to grant a certificate to any teacher who refuses to attend the county institute without cause. The county superintendent shall receive the assistance and cooperation of the Superintendent of Public Instruction in holding annual institutes."

23 (con't) Sec. 342.675 also allows each county school superintendent to organize and hold annually at least three local institutes or educational meetings in various parts of his county at such times and places as he may deem expedient.

PENNSYLVANIA (1959-60)

Enrollment in full-time public schools:	
Elementary	1,440,474
High School	513,678
Number of school districts (including non-operating)	986
Number of elementary schools	4,179
Number of high schools (including junior high)	1,006
Expenditure per pupil in average daily attendance	$401

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

PENNSYLVANIA

County, Jointure, Union, and Independent School Superintendencies

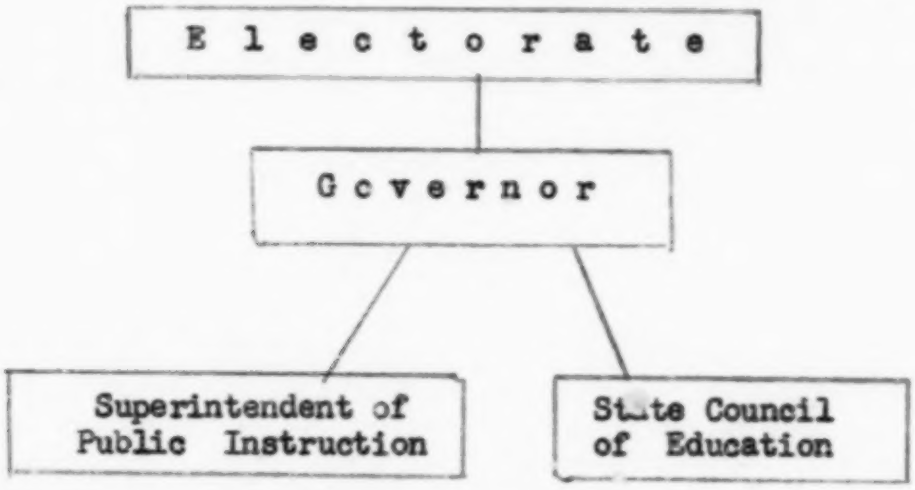
There are 257 school superintendencies in the State of Pennsylvania: 64 county-intermediate superintendencies; 2 complete county-unit superintendencies; 139 independent city, township or borough superintendencies; 43 jointure superintendencies, and 9 union superintendencies. The superintendents of the 64 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 163.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 129-131.

PENNSYLVANIA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)


Electorate
Governor
Superintendent of Public Instruction
State Council of Education

2. State Education Boards

a. Schools....

State Council of Education.--Consists of 10 members, the superintendent of public instruction as president and chief executive officer plus 9 persons appointed by the governor from the State at large. Appointments must be confirmed by two-thirds of the senate and are for 6-year terms. The council is an advisory and legislative body within the State department of public instruction. The council plus the secretary of labor and industry compose the State board for vocational rehabilitation.

b. Supplementary programs

Advisory Committee on Building Standards (advisory)--Consists of 15 members appointed by the governor for indefinite terms. Among them 5 must be registered architects experienced in designing school buildings, 3 school administrators, and 3 educators. The committee was constituted for the purpose of advising the State council of education in making revisions of building standards for public school buildings.

State Public School Building Authority (administrative).--Composed of 9 ex officio members--the governor, the State treasurer, the auditor general, the superintendent of public instruction, the secretary of property and supplies, the president pro tempore of the senate, the speaker of the house of representatives, the minority leaders of the senate and of the house of representatives. The authority was created for the purpose of constructing, improving, maintaining and operating public school buildings, and furnishing and equipping them for use as public schools.

3. Chief State School Officer

The superintendent of public instruction is the head and chief executive officer of the State department of public instruction. He is appointed by the governor, by and with the consent of two-thirds of all members of the senate, for a 4-year term. The superintendent of public instruction manages directly through his office all general financial matters of the department of public instruction and its agencies. Thus, through the controller, he is able to influence greatly the coordination of the programs of all State-owned educational agencies.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction as the head and executive officer of the State department of public instruction is responsible for the coordination of the State program of public elementary and secondary education....

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction serves as president and chief executive officer of the State council of education. He is also an ex officio member of the following boards: ......the State public school building authority.

The governor serves as an ex officio member of the ......and the State public school building authority.

The State treasurer, the auditor general, the secretary of property and supplies, the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives are ex officio members of the State public school building authority.

9. Fiscal Coordination

All educational agencies file budgetary requests with the budget secretary through the superintendent of public instruction. The budget requests of all State-owned and State-aided educational institutions are cleared through the superintendent of public instruction. The budget secretary is appointed by the governor and serves at his pleasure. He assists the governor in the preparation of the State budget.

The governor may, after giving each educational agency an opportunity to be heard, approve, disapprove, or alter budget estimates. As soon as the general assembly is organized the governor submits a State budget which includes the amounts recommended by him to be appropriated for each agency. The governor transmits the estimates of receipts and expenditures as originally received by the budget secretary together with the State budget.

State: Pennsylvania

Source of information unless otherwise stated: Purdon's Pennsylvania Statutes Annotated, Title 71, State Government 1950, with 1960 Pocket Part.

PART I

Educational Organization

State level:

Department of Education: called Department of Public Instruction

how organized: Supt. Pub. Instruc., St. Council of Educ. and staff exercising powers of Dept., of former Bureaus of Vocat. Educ. & Profes. Educ. and of Supt. of Pub. Instruc.

established by: Administrative code of 1929, Title 71, Sec. 351 (Art. XIII)

is it a body corporate: no

State Board of Education: called State Council of Education

established by: Administrative code of 1929, Title 71-Sec. 118 (Art.IV)

is it a body corporate: no

composition: Superintendent of Public Instruction (President & chief executive officer), and nine other members - Sec. 118

how selected: appointed - Sec. 118 (evidently by governor)

is confirmation necessary: not for 9 members

subject to what control: governor

to whom reporting: Governor & General Assembly, Sec. 357(b)(Art. XIII)

term of office: all appointments shall be for 6 years - Sec. 118

Chief state school officer: called Superintendent of Public Instruction

office established by: Administrative Code of 1929,Title 71, Sec. 66 (Art. II)

how selected: appointed by Governor - Sec. 67

is confirmation necessary: yes, by 2/3 of all the members of the State Senate, Sec. 67

subject to what control: Governor, Sec. 67

to whom reporting: Governor, Sec. 67

term of office: 4 years, Sec. 68(b)

staff and who appoints: as determined and appointed by Supt., e.g. Secs. 10-1055, 10-1057, as head of Department.

Other organization or official: called

State: Pennsylvania

Source of information for Intermediate, Local, and Schools Levels: Purdon's Pennsylvania Statutes Annotated, Title 24, Education, 1950, with 1960 Pocket Part.

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called County

how organized: --

composition: territory of county, less those school districts (1, 1A, 2 and some 3) having a district superintendent, Sec. 10-1071
is it a body corporate: not for educational purposes

Board of education, if any: called

established by: Sec. 9-921

is it a body corporate: no

composition: 5 members, ibid.

how selected: elected at annual meeting of school directors under supervision of county superintendent, from among their number
is confirmation necessary: no

subject to what control: Department of Public Instruction and State Council of Education, Sec. 9-925
to whom reporting: State Council of Education, ibid.

term of office: 6 years, Sec. 9-921
meetings: at least 10 times a year, Sec. 9-923
Administrative officer of unit; called County superintendent

office established by: Secs. 10-1001, 10-1021

how selected: elected by school directors of all schools not having a district superintendent, every 4th year, at meeting at county seat, Sec. 10-1022
is confirmation necessary: no, but Supt. of Public Instruction may disapprove within 15 days of election, Sec. 10-1030, and after hearing, if objection is sustained, may appoint substitute, Sec. 10-1033
subject to what control: Supt. of Public Instruction, Sec. 10-1034

to whom reporting: County Board of School Directors and Department of Public Instruction, Sec. 9-926, and Supt. of Public Instruction, Sec. 10-1006
term of office: 4 years, Sec. 10-1022

staff and who appoints: stenographer, appointed by Superintendent, and paid
ounty government, Sec. 10-1040; ALSO from 1 to 5 Assistant County Superintendents (depending
on number of teachers in county) appointed by County Board, Secs. 10-1051 and 10-1053.
hool directors associations, composed of members of boards of school directors in all districts
bject to supervision of county superintendent (that is those not having a district superintendent
c. 10-1071) meet annually or oftener at county seat at call of county superintendent, Sec. 9-901,
discuss school problems. This group is organized as the School Directors' Association

(over)

State: Pennsylvania

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called (a) First class school district
(b) " " " " A

how organized: territorial, Sec. 2-202 and by court order, Sec. 2-203, or order of Supt. of Public Instruction, Sec. 2-205
composition: (a) population of 1,500,000 or more, ibid.
(b) " " 500,000 to 1,500,000, ibid.
is it a body corporate: yes, Sec. 2-211

Board of education: called board of public education

established by: Sec. 3-302

is it a body corporate: no

composition: 15 members, Sec. 3-302

how selected: appointed every 2 years by Judges of Courts of Common Pleas, Sec. 3-302
is confirmation necessary: no

subject to what control: not stated, but obviously State Supt. of Public Instruction
to whom reporting: to State Council of Education and Supt. of Public Instruction, Sec. 4-433
term of office: 6 years, staggered in sets of 5, Sec. 3-302
meetings: at least bimonthly, Sec. 4-421
Administrative officer of unit: called District Superintendent

office established by: Sec. 10-1071

how selected: elected by board, ibid., and appointed, Sec. 21-2104

is confirmation necessary: no

subject to what control: board, Sec. 10-1080

to whom reporting: board, Sec. 10-1081, and to Supt. of Public Instruction, Sec. 10-1007
term of office: not more than 6 years, Sec. 21-2104

staff and who appoints: as deemed necessary and appointed by board, Sec. 11-1106

The secretary of the Board has various administrative duties, more extensive than those of secretaries of boards in many States, Sec. 4-433.
Also, if board so determines, it may elect an assistant superintendent, Sec. 10-1071.
Districts having a superintendent are not subject to supervision of County Supt., Sec. 10-1071.

State: Pennsylvania

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called second class school district

how organized: territorial, Sec. 2-202, and by court order, Sec. 2-203, or order of Supt. of Public Instruction, Sec. 2-205.
composition: 30,000 to 500,000 population, *ibid.*

is it a body corporate: yes, Sec. 2-211

Board of education: called board of school directors

established by: Sec. 3-301

is it a body corporate: no

composition: 9 members, Sec. 3-303

how selected: elected at large every 2 years, Sec. 3-303

is confirmation necessary: no

subject to what control: not stated, but obviously State Supt. of Public Instruction
to whom reporting: State Council of Education and Supt. of Public Instruction, Sec. 4-433
term of office: 6 years, staggered, in sets of 3, Sec. 3-303
meetings: at least bimonthly, Sec. 4-421
Administrative officer of unit: called District Superintendent

office established by: 10-1071

how selected: elected by board, *ibid.*

is confirmation necessary: no

subject to what control: board, Sec. 10-1080

to whom reporting: board, Sec. 10-1081, and to Supt. of Public Instruction, Sec. 10-1006
term of office: 4 years, Sec. 10-1073

staff and who appoints: as deemed necessary and appointed by board, Sec. 11-1106

he secretary of the Board has various administrative duties, more extensive than those of ecretaries of boards in many States, Sec. 4-433.
lso, if board so determines, it may elect an assistant superintendent, Sec. 10-1071, upon he nomination of the district superintendent, Sec. 10-1076, for 4 years, Sec. 10-1077.
istricts having a superintendent are not subject to supervision of County Supt., Sec. 10-1071.

State: Pennsylvania

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called third class school district

how organized: territorial, Sec. 2-202, and by court order, Sec. 2-203, or order of Supt. of Public Instruction, Sec. 2-205.
composition: 5,000 to 30,000 population, ibid.

is it a body corporate: yes, Sec. 2-211

Board of education: called board of school directors

established by: Sec. 3-301

is it a body corporate: no

composition: 7 members, Sec. 3-304

how selected: elected at large, Sec. 3-304, every 2 years (but in independent districts of same size they are appointed by court, Sec. 3-311)
is confirmation necessary: no

subject to what control: not stated, but obviously State Supt. of Public Instruction

to whom reporting: State Council of Education and Supt. of Public Instruction, Sec. 4-433.

meetings: at least bimonthly, Sec. 4-421

term of office: 6 years, staggered, in alternate sets of 2, 2, and 3, Sec. 3-304

Administrative officer of unit: called District Superintendent, if any, but approval of County Board of School Directors must be obtained before appointment, Sec. 10-1072
office established by: Sec. 10-1071

how selected: elected by district board of school directors, ibid.

is confirmation necessary: no, but prior approval is, supra

subject to what control: board, Sec. 10-1080

to whom reporting: board, Sec. 10-1081, and to Supt. of Public Instruction, Sec. 10-1006.
term of office: 4 years, Sec. 10-1073

staff and who appoints: as deemed necessary and appointed by board, Sec. 11-1106

1. The secretary of the Board has various administrative duties, more extensive than those of secretaries of boards in many States, Sec. 4-433.
2. Also, if board so determines, it may elect an assistant superintendent, Sec. 10-1071, upon the nomination of the district superintendent, Sec. 10-1076, for 4 years, Sec. 10-1077.
3. Districts having a superintendent are not subject to supervision of County Supt., Sec. 10-1071.

State: Pennsylvania

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called fourth class school district

how organized: territorial, Sec. 2-202, and by court order, Sec. 2-203, or order of Supt. of Public Instruction, Sec. 2-205
composition: less than 5,000 population, ibid.

is it a body corporate: yes, Sec. 2-211

Board of education: called board of school directors

established by: Sec. 3-301

is it a body corporate: no

composition: 5 members, Sec. 3-305

how selected: elected at large, Sec. 3-305, every 2 years (but in independent districts of same size they are appointed by court, Sec. 3-311)
is confirmation necessary: no

subject to what control:

to whom reporting: State Council of Education and Supt. of Public Instruction, Sec. 4-433
term of office: 6 years, staggered, in sets of 2, 2 and 1, Sec. 3-305
meetings: at least bimonthly, Sec. 4-421
Administrative officer of unit: called none

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:
The secretary of the Board has various administrative duties, more extensive than those of secretaries of boards in many States, Sec. 4-433.

State: **Pennsylvania**

PART I

Educational Organization (continued)

Schools

Principals

appointed by: (a) bd. of public education in 1st class dist., Sec. 21-2103
(b) bd. of school directors in other districts, Sec. 5-508, Sec. 11-1106

qualifications: (a) as prescribed by bd of pub. education, Sec. 21-2108
(b) holding certificate, sec. 12-1201

term of office: (a) determined by board, Sec. 21-2103
(b) continuing, under contract, Sec. 11-1121

Teachers

appointed by: (a) bd. of pub. education in 1st class dists., Sec. 21-2103
(b) bd. of school directors in other dists., Sec. 5-508, Sec. 11-1106

qualifications: (a) as prescribed by bd. of pub. education, Sec. 21-2108
(b) good morals, Sec. 11-1109, holding certificate, Sec. 12-1201

certification: Sec. 12-1201 *et seq.*; issued by Supt. of Pub. Instruction or by Dept. of Public Instr., Sec. 1230 or under rules of State Council of Education, Sec. 12-1201

tenure: continuing, under standard contract, Sec. 11-1121

special assignments: only those enumerated in certificate, Sec. 16-1604

State: Pennsylvania

Source of information unless otherwise stated: Purdon's Penna. Statutes Annotated, Title 24 Education; with 1960 Annual Supplement

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Section2-211: "The several school districts in this Commonwealth shall be, and hereby are vested, as bodies corporate, with all necessary powers to enable them to carry out the provisions of this act."

A school district is an agency of the commonwealth and, as such, a"quasi-corporation" for the sole purpose of administering the system of public education. Walsh v. School District of Phila., 22 A. 2d 909, 1942.

School districts have only such powers as are conferred on them by statute. They are corporations of lower grade and less power than a city, have less the characteristics of private corporations, and more of a mere agent of a state. Mulligan v. School District of Hanover Township, 88 A. 362, 1913.

Section 5-501: "The board of school directors in every school district shall establish, equip, furnish, and maintain a sufficient number of elementary schools, in compliance with the provisions of this act."

A board of school directors has no duty to provide any equipment, supplies, materials, facilities or personnel except in establishment and maintenance of a public school or in administration of a public school system for purposes directly related to education of pupils attending public school. Connell v. Board of School Directors of Kennett Township, 52 A. 2d 645, 1947.

Officers of municipal and school districts have large discretionary powers. When their actions are challenged, the burden of showing their decisions illegal rests on those asserting. Courts will interfere only where discretion is abused. Wilski v. Sergott, 35 Luz. L. Reg Rep. 438, 1942.

State: Pennsylvania

PART II (Cont.)

Section 5-502: "In addition to the elementary public schools, the board of school directors in any school district may establish, equip, furnish, and maintain the following additional schools or departments... High Schools, Libraries, Museums, Reading Rooms." "Such other schools or educational departments as the directors, in their wisdom, may see proper to establish.. Said additional schools or departments, when established, shall be an integral part of the public school system in such school district and shall be so administered."

It is administrative function of school directors and superintendents to meet changing educational conditions through creation of new courses, reassignment of teachers, and rearrangement of curriculum. Jones v. Holes, 6 A. 2d 102, 1939.

Section 5-509: "The board of school directors shall exercise general supervision over the schools of their respective districts, and shall, except in districts having district superintendents or supervising principals, by one or more of their number visit every school in the district at least once a month, and shall cause the report of such visit to be entered on the minutes of the board."

Section 9-925: "The county board of school directors, in respect to school districts under the supervision of the county superintendent, shall have power and its duty shall be-

(4) To recommend the approval or disapproval of school sites and buildings by the State Council of Education.

(9) To make such studies and reports as may be suggested by the State Council of Education.

(12) To administer and supervise activities and services that have been authorized by the county convention of school directors."

Section 10-1037: "It shall be the duty of every county superintendent to visit personally as often as practicable...the several schools in the county under his supervision, to note the courses and methods of instruction and branches taught, to give such directions in the art and methods of teaching in each school as he deems expedient and necessary, and to report to the proper board of school directors any inefficiency found, so that each school shall be equal to the grade for which it was established and that there may be, as far as practicable, uniformity in the course of study in the schools of the several grades.

State: Pennsylvania

PART II (Cont.)

Section 10-1058: "Every assistant county superintendent shall diligently visit the schools assigned him by the county superintendent, and shall under his direction, supervise and direct the work of the schools....He shall also inspect school property, and see that the requirements of the law as to buildings, grounds, equipment, and sanitary arrangements are fully observed and complied with....he shall assist the county superintendent in his work, and perform such other duties in connection with the public schools of the county as may be assigned him by the county superintendent. The duties herein described for the assistant county superintendents, shall, in no case, be construed to lessen or limit the duty and responsibility of the county superintendent to visit all the schools under his jurisdiction as frequently as possible."

Section 10-1081: "The duties of district superintendents shall be the same as those now required of county superintendents, and also such as may be required of them by the boards of school directors of their respective district..."

State: Pennsylvania

Source of information unless otherwise stated: Purdon's Penna. Statutes Annotated, Title 24, Education, and 1960 Cumulative Annual Pocket Part.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 8-805 (1960 Pocket Part) reads: "School supplies shall be divided into two classes. The first class shall include school desks, chairs, furniture, typewriters, and school apparatus. The secondclass shall include all other supplies, except maps, globes and textbooks necessary for school use, not included in the first class. The board of school directors in any district may authorize or appoint the secretary of the board or other executive as purchasing agent for the district, with authority to purchase supplies of either class costing less than three hundred dollars($300). As amended 1951, May 24, P.L. 397, § 2."

Sec. 23-2304 - The board of library trustees, subject to the approval of the board of school directors, has power to make and enforce rules and regulations for the management of the public school library and "shall have general charge, supervision, and management ofthe public school library in the district, purchase the books, maps, or other matter, ... and do all other things necessary for its government, preservation, and maintenance."

Sec. 5-523 (1960 Pocket Part) reads: "Educational television

"(a) The board of school directors of any school district may enter into an agreement or agreements with one or more school districts and/or with other educational institutions or agencies and/or with non-profit organizations for the joint operation of an educational television station, at no expense to the Commonwealth.

"(b) The board of school directors of any school district may enter into a contract with commercial telecasters or with non-profit organizations, or both, for television broadcasts, at no expense to the Commonwealth. 1949, March 10, P.L. 30, art. V, § 523, added 1953, Aug. 21, P.L. 1336 No. 378, § 1."

Sec. 9-925 (1960 Pocket Part) relates to powers and duties of county boards of school directors. The pertinent part reads as follows:

"(b) The county board of school directors in respect to second, third and fourth class school districts within the county or adjoining counties shall have power and its duty shall be--

. ...

"(5) To enter into agreement with other county boards of school

State: Pennsylvania

PART III (Cont'd.)

directors to establish, operate and maintain audio-visual libraries and instructional materials centers jointly. No such audio-visual library and instructional materials center shall be established jointly unless the several county boards participating in the project shall first enter into and record in their respective minutes a written agreement, by and among themselves, that the proposed audio-visual library and instructional materials center shall be established, operated and maintained in such manner and upon such terms as the participating county boards may agree upon, and no change shall be made therein without the written consent of each county board first obtained by the affirmative vote ofa majority of the members of each of the respective county boards: Provided, That no such agreement shall become effective and binding upon the parties thereto unless said agreement is approved in writing by the Department ofPublic Instruction.

"(6) To establish, construct, rent, equip, furnish and maintain, individually or jointly, with other county boards, rooms, buildings and facilities necessary to house and operate an audio-visual library and instructional materials center and to employ temporary professional and professional employes andsuch other employes as may be necessary to administer the services, subject to approval by the Department of Public Instruction. All persons so employed shall have the same rights of membership in the Public School Employes' Retirement Association as employes of school districts.

"(7) In cases where two or more county boards of school directors establish, operate and maintain audio-visual libraries andinstructional materials centers jointly, as provided in thisact, all members of the participating county boards shall constitute a committee to be known ad the Joint Committee of County Boards. This joint committee of county boards shall have all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation of audio-visual libraries and instructional materials centers as are now or may be conferred or imposed by law generally. This joint committee of county boards may name a subcommittee of the joint committee of county boards that shall be composed ofnot less than three members of the joint committee. This subcommittee may be delegated all the powers and duties and be subject to all the liabilities with reference to the supervision, maintenance and regulation ofsd audio-visual libraries and instructional materials centers, except that of adopting the budget for the operation of such libraries and centers and of designating a county superintendent of one of the participating counties to administer and supervise such a center. The affirmative vote of a majority of all the members ofthe joint committee ofcounty boards, orof the subcommittee of the joint committee of county boards if authorized, duly recorded, showing how each member voted, shall be required in order to transact business relating to the affairs of the committee. The joint committee of county boards, and the subcommittee if authorized, shall organize annually during the month of December by electing a president, vice-president and treasurer, respectively, who shall perform the duties imposed on similar officers of regular school boards. The joint committee of county boards, and the subcommittee if authorized, shall each elect a secretary at its first December meeting and each four years thereafter. The joint committee shall designate a county superintendent of one ofthe participating counties to administer and supervise the

State: Pennsylvania

PART III (Cont'd.)

audio-visual library and instructional materials center. County superintendents in other participating counties shall assist the county superintendent so designated.

"(8) To contract with other county boards and with individual school districts to provide audio-visual library services and instructional materials centers for a period of not less than five years. Such districts are hereby authorized to enter into such contracts with county boards of school directors. In the event audio-visual library services and instructional materials centers are not provided by the county board as authorized herein, school districts, individually or jointly, may provide such services: Provided, That prior approval in writing is granted by the Department of Public Instruction.

"(9) To assess each school district contracting with county boards for services provided in connection with audio-visual libraries and instructional materials centers for such district's proportionate share ofthe cost of such services, or if a convention of school directors from districts desiring such services, by an affirmative vote of a majority of the directors present and voting, authorize the county board of school directors to provide such services, the county board of school directors may assess the districts represented in the convention for each district's proportionate share ofthe cost of such services: Provided, That such authorization shall be for a period of not less than five years: And provided further, That the convention may place a limit on such assessment which may not be exceeded. In eitherevent, the proportionate share ofa district shall be determined by multiplyingthe cost of the services by a fraction, the numerator ofwhich shall be the number of pupils in average daily membership in the district and the denominator ofwhich shall be the total number of pupils in average daily membership in all districts to which such services will be furnished. In the event any district fails to pay its assessment when due, the same shll be withheld from State appropriations due such district by the Superintendent of PublicInstruction and paid over to the county board ofschool directors.

"(10) Such audio-visual libraries and instructional materials centers shall meet such regulationsas are promulgated by the State Council of Education and administered by the Department of Public Instruction before they shall be declared eligible for any Federal or State moneys as may be available. Added 1956, March 29, P.L. (1955), 1356, § 2, as amended 1959, Aug. 11, P.L. 671, § 1."

Following is quoted from 1961 Cumulative Annual Pocket Part:

Sec. 5-523. Educational broadcasting

(a) The State Council of Education shall formulate and amend, when necessary, a State Plan for Educational Broadcasting. The State plan shall provide for the development of educational broadcasting facilities in the Commonwealth and shall define educational broadcasting service areas which shall be served by specified broadcasting centers. The Department of Public Instruction shall promulgate regulations to implement the State plan.

(b) The board of school directors of any school district may enter into an agreement or agreements with one or more school districts and/or county boards of school directors and/or with other educational institutions or agencies and/or with non-profit organizations for the joint operation of an educational television and/or radio station.

(c) The board of school directors of any school district and any county board of school directors may enter into an agreement or agreements with one or more school districts and/or county boards of school directors and/or other educational institutions or agencies and/or non-profit or commercial organizations for broadcasting.

(d) The Department of Public Instruction may enter into agreements with educational or commercial radio and/or television networks or stations, non-profit organizations radio and/or television production centers, or any county board of school directors, school district or districts for the purpose of educational broadcasting.

(e) The Department of Public Instruction and boards of school directors of any school district or county board of school directors, or both, may contract for educational broadcasts for children or adults, using State funds or State-administered Federal funds appropriated for that purpose, or private grants or gifts.

(f) In accordance with the State plan for educational broadcasting, the Department of Public Instruction may establish and/or operate a broadcasting station and/or purchase, produce and/or contract to purchase or produce tapes, films and/or recordings for educational broadcasting.

Sec. 5-525. Establishment and operation of educational television and Broadcasting facilities

Whenever funds become available from any source whatever for the purpose of (1) establishing and where necessary operating such pilot educational television projects as may be requested by the State Council of Education, (2) purchasing, producing and contracting for the purchase or production of tapes, films and recordings for educational

PART III-continued (5)

broadcasting, (3) making special grants to school districts, county boards of school directors and State colleges for educational broadcasting services procured by them where it is determined by the Department of Public Instruction that the awarding of such special grants will materially encourage the use of educational television facilities, (4) establishing educational television facilities in accordance with the State plan for educational broadcasting, and (5) establishing network facilities to link educational broadcasting facilities as may be required by the State plan for educational broadcasting or any of these purposes. The Department of Public Instruction may expend such funds for such purpose or purposes in amounts to be determined by the Department of Public Instruction in accordance with policies approved by the State Council of Education. This section shall not be construed to authorize the expenditure of any State funds for such purposes unless specifically appropriated by the General Assembly.

State: Pennsylvania

Source of information unless otherwise stated: Purdon's Penna. Statutes Annotated, Title 24, Education, and 1960 Cumulative Annual Pocket Part.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids

Secs. 21-2103; 9-901 (a) and (b); and 9-925 (b)(5) through (10).

Yes 3. Preparing curricula

Secs. 5-508; 15-1511; 15-1512; and 16-1605(a).

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Secs. 10-1037; 10-1058; and 9-925(b)(5) through (10).

Yes 5. Organizing AV units and cooperative activities

Same as 2, above.

~~Yes~~ 6. Conferring on AV use outside of State educational structure

Sec. 5-523(a) and (b).

State: Pennsylvania

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
Sec. 23-2304 and Sec. 9-925(b)(5) through (10).

Yes 8. Selecting textbooks (and observing academic freedom)
Secs. 8-803 and 5-508.

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
Secs. 5-501; 5-508; 2-211; 8-801; 8-805; 8-806; 8-807; and 21-2103.

Yes 10. Financing acquisition by rent or purchase
Secs. 5-507; 6-602; 6-603; 6-609; 6-687(a), (b), and (d); and 5-508.

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
Sec. 9-925 (b)(5) through (8).

Yes 12. Distributing AV aids
Secs. 8-801 and 9-925(b)(5) and (6).

Yes 13. Producing AV aids
Sec. 5-523(a) and (b).

Yes 14. Certificating teachers and AV professionals
Secs. 1224; ~~1225~~ 1225(a) and (b); 1226 (b) and (c); 12-1201; 10-1061 and 10-1062(b).

Yes 15. Prescribing qualifications of using personnel
Sec. 10-1061.

State: Pennsylvania

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

Sec. 16-1601 (a).

Yes 17. Building or remodeling schools to facilitate AV use

Sec. 5-508; 7-701; 7-751; 791.3; 791.4; and 9-925(b)(6).

Yes 18. Federal aid to schools

Secs. 2811 and 9-925(a)(11).

Yes 19. State aid to schools

Secs. 26-2601; 26-2602; 26-2604; and 25-2502.

Yes 20. Private aid to schools

Secs. 2-216(a),(b), and (c) and 26-2601.

Yes 21. Library programs

Secs. 5-502; 23-2301; 23-2304; 23-2309; 23-2312; and 9-925(b)(5) through (10).

Yes 22. Research programs

Sec. 9-925(a)(9).

Yes 23. Institutes

Secs. 11-1186; 11-1194; and 11-1193.

No 24. Other established procedures

(Note: Refer to descriptive material on the following pages to determine which sections cited above are from the 1960 Pocket Part.)

State: Pennsylvania

PART IV (Cont'd.)

Topic No. 2:

Sec. 21-2103 - Gives the board of public education in districts of the first class authority to define the general policies of the school system; power to legislate upon all matters pertainingthereto; and power to determine and direct all expenditures for the maintenance and improvement of the school system.

Sec. 9-901 (1960 Pocket Part) provides (a) that the school directors, in every county having a county superintendent of public schools, shall annually be called together by the county superintendent. "The purpose of such annual convention shall be the consideration and the discussion, by the school directors and others, of questions and subjects pertaining to the welfare and promotion of the public schools in their respective counties, and such other business as may properly come beforesuch conventions." In subsection (b) it is provided that the convention shall have power to passon and approve activities and services to be provided, administered and supervised by the county boardof school directors, and to authorize the same by a majority vote of those present.

In addition, see Sec. 9-925 (1960 Pocket Part) (b)(5) through (10), as cited under Part III, supra.

Topic No. 3:

Sec. 5-508 (1960 Pocket Part) requires a majority ofall the members of the board of school directors in every school district, duly recorded, showing how each member voted, in order to take action on various actions, including "Adopting courses of study."

Sec. 15-1511 - sets forth specific subjects to be taught, such as: English, spelling, reading, writing, arithmetic, geography, history, civics, etc.. "Other subjects shall be taught in the public elementary schools and also in the public high schools as may be designated or approved by the State Council of Education."

Sec. 15-1512 reads: "The board of school directors in every school district, with the advice, assistance and approval of the proper superintendent of schools, shall arrange a course or courses of study adapted to the age, development, and needs ofthe pupils. These courses of study shall conform to any general course of study arranged by the Superintendent of Public Instruction, so far asthe local conditions in the respective districts permit."

Sec. 16-1605 (1960 Pocket Part)(a) provides that the superintendent having supervision over any high school shallhave the duty to prepare, and recommend to the board of school directors maintaining the same, suitable courses of study, which shall be adopted by the board ofschool directors, with any changes they deem wise.

State: Pennsylvania

PART IV (Cont'd.)

Topic No. 4:

Sec. 10-1037 - requires every county superintendent to visit the schools under his supervision and to give such directions in teaching methdds as he deems expedient.

Sec. 10-1058 - requires the assistant county superintendent to visit schools assigned him by the county superintendent and, under his direction, to supervise and direct the work of the schools. Sec. 10-1081 gives district superintendents the same duties asthose required of county superintendents.

The above sections give the basis for personal chain of authority between superintendents and principals, teachers, etc. Perhaps more in point on this topic would be the specific audio-visual legislation set foth in Sec. 9-925 (1960 Pocket Part)(b)(5) through (10). See Part III, above.

Topic No. 5:

Same as 2, above.

Topic No. 6:

Sec. 5-523 (a) and(b) (1960 Pocket Part) appears pertinent. It is quoted under ~~Topi~~ Part III, supra.

Topic No. 7:

~~See Sec. 8-805 (1960 Pocket Part), quoted under Part III, above. That section refers to the purchase~~

See Sec. 23-2304 and the subsections of Sec.9-925 quoted under Part III, supra.

Topic No. 8:

Sec. 8-803 provides: "All school textbooks, in school districts of the second, third and fourth class, shall be adopted by the board ofschool directors at any regular meeting between the first day of April and the first day of August following. Such books, so adopted, shall be provided for the use of the schools at the beginning ofthe school terms next following. If in said school districts there shall be a district superintendent or

PART IV (Cont'd.)

supervising principal, such district superintendent or supervising principal shall report in which subjects new textbooks are needed, and after consultation with the teachers under his supervision, what textbooks should be adopted or changed. No adoption or change of textbooks shall be made without his recommendation, except by a two-thirds vote of the board. Books, supplementary to textbooks regularly adopted, may be adopted and purchased for use in the schools at any time. Such supplementary books shall be adopted in the same manner as textbooks are herein required to be adopted."

Sec. 5-508 (1960 Pocket Part) requires an affirmative vote ofa majority of all the members of the board of school directors in every school district, duly recorded, showing how each member voted in order to take action on various subjects, including "adopting textbooks."

Topic No. 9:

Sec. 5-501 provides: "The board of school directors in every school district shall establish, equip, furnish, and maintain a sufficient number of elementary public schools ... to educate every person, residing in such district, between the ages of six and twenty-one years, who may attend."

Sec. 5-508 (1960 Pocket Part) requires an affirmative vote of a majority of all the members of the board of school directors in every school district in order to enter into contracts of any kind, including contracts for the purchase of fuel or any supplies, where the amount involved exceeds one hundred dollars ($100).

Sec. 2-211 - makes all school districts bodies corporate.

Sec. 8-801 provides: "The board of school directors ofeach school district shall purchase all necessary furniture, equipment, textbooks, school supplies, and other appliances for the use ofthe public schools, or any department thereof, in their respective districts, and furnish the same free of cost for use in the schools of the district, subject to such rules and regulations regarding the use and safe-keeping thereof as the board of school directors may adopt. All furniture, equipment, books, school supplies, and other appliances purchased by the board of school directors of any school district, for the use ofthe public schools therein, shall be purchased in the manner provided in this act. 1949, March 10, P.L. 30, art. VIII, § 801."

Sec. 8-805 (1960 Pocket Part) - quoted under Part III, above.

Sec. 8-806 and Sec. 8-807 (1960P.P.) set forth requirements for bids in school equipment and supplies purchase contracts. (Purchase of all supplies amounting to over $300 require bidding procedures.)

Sec. 21-2103 - gives the board of public education in districts of the first class the duty to "determine and direct all expenditures for the maintenance and improvement of the school system."

State: Pennsylvania

PART IV (Cont'd.)

Topic No. 10:

Sec. 5-507 provides: "In order to establish, enlarge, equip, furnish, operate, and maintain any schools or departments herein provided, or to pay any school indebtedness which any school district is required to pay, or to pay any indebtedness that may at any time hereafter be created by any school district, or to enable it to carry out any provisions of this act, the board of school directors in each school district is hereby vested with all the necessary authority and power annually to levy and collect, in the manner herein provided, the necessary taxes required, in addition to the annual State appropriation, and shall have, and be vested with, all necessary power and authority to comply with and carry out any or all of the provisions of this act. 1949, March 10, P.L. 30, art.V, § 507."

Sec. 6-602 reads: "All taxes required by any school district, in addition to the State appropriation, shall be levied by the board of school directors therein."

Sec.6-603 (1960 P.P.) - provides that there shall be but one levy of school taxes made in each school district in each year.

Sec. 6-609 provides: "The amount of funds in any annual estimate by any school district, at or before the time oflevying the school taxes, which is set apart or appropriated to any particular item of expenditure, shall not be used for any other purpose, or transferred, except by resolution ofthe board of school directors receiving the affirmative vote of two-thirds of the members thereof. No work shall be hired to be done, no materials purchased, and no contracts made by any board of school directors which will cause the sums appropriated to specific purposes in the budget to be exceeded."

Sec. 6-687 (a) - The board of school directors of each school district of the second, third, or fourth class shall annually prepared a proposed budget. Final action not to be taken ~~in which~~ on any budget in which estimated expenditures exceed two thousand dollars until after ten days' public notice. (b) The board of school directors, after revision, if necessary, adopt the budget and the necessary appropriation measures and file a copy in office of Department of Public Instruction. In school districts under direction of a county superintendent, the county board of school directors shall inspect the budget, render assistance regarding same and then it shall be forwarded to the department by the county superintendent. (d) The board of school directors may, during the last nine months of the fiscal year, transfer any unencumbered balance from one class of expenditure or item to another.

Sec. 5-508 (1960 P.P.) - Majority vote of all members of the board of school directors required for action levying and assessing taxes.

State: Pennsylvania

PART IV (Cont'd.)

Topic No. 11:

See Sec. 9-925 (1960 Pocket Part) (b) (5) through (8), quoted under Part III, supra.

Topic No. 12:

Sec. 8-801 - Board of school directors of each school district is to purchase all necessary furniture, equipment, textbooks, school supplies, and other appliances for the use of the public schools and furnish the same free of cost for use in the schools of the district. ("Furnishing" various items of equipment and "school supplies" would seem to include "distributing" such items, which couldinclude AV aids.

Also, see Sec. 9-925 (1960 P.P.)(b)(5) and (6), quoted under Part III, supra.

Topic No. 13:

See Sec. 5-523 (1960 P.P.) (a) and (b), quoted under Part III, supra.

Topic No. 14:

Sec. 1224 provides: "The Department of Public Instruction shall provide for the registration of persons qualified to teach in elementary and secondary schools of this Commonwealth which are accredited by the Department of Public Instruction as conforming to the official standards promulgated by the State Council of Education."

Sec. 1225 - Department of Public Instruction has power and duty (a) to provide for and to regulate the certificates and registration ofpersons qualified to teach in the elementary and secondary schools; (b) applicant must be 18 and have completed the professional preparation for teaching prescribed by the State Council of Education.

Sec. 1226 - StateCouncil of Education has power and duty to (b) establish and promulgate standards of preliminary and professional education and training for teachers and(c) investigate and determine the acceptability of institutions of learning issuing credentials, diplomas or degrees to persons desiring to teach and to approve such colleges and institutions of learning where acceptable.

Sec. 12-1201-Only those persons holding one of the following certificates shall be qualified to teach in the public schools of Pennsylvania: (1) Permanent college certificate,(2) provisional college certificate, (3) normal school diploma, (4) normal school certificate, (5) special permanent certificate, (6) special temporary certificate, (7) permanent State certificate, ~~(8) certificates which are permanent~~ other certificates issued under rules and regulations of State Council of Education.

Sec. 10-1061 (1960 Pocket Part) - provides for the appointment of

State: Pennsylvania

PART IV (Cont'd.)

certain "technical personnel," as authorized by the county convention of school directors. "(b) Any person who is certified by the Department of Public Instruction in accordance with standards prescribed by the State Council of Education shall be eligible for appointment as a technical employee."

Sec. 10-1062 (b) (1960 P.P.) reads: "It shall be the duty of technical personnel to assist the county superintendent of schools and the boards of school directors served by them in such manner as the county superintendent may direct."

Topic No. 15:

See Sec. 10-1061 (1960 P.P.) quoted above under Topic 14. (This is pertinent provided "technical personnel" may be construed to include AV personnel.)

Topic No. 16:

Sec. 16-1601 (a) reads: "A complete high school course is one requiring four years beyond an elementary course of eight years or six years beyond an elementary course of six years. The Department of Public Instruction shall make such regulationsas shall be necessary to insure proper standards for the various grades ofthe twelve years of the public school program of studies.

Topic No. 17:

Sec. 5-508 (1960P.P.) - requires an affirmative ofa majority of all the members of the board of school directors inorder to take action on: "establishing additional schools or departments."

Sec. 7-701 (1960 P.P.)- gives the authority and duty to provide "the necessary grounds and suitable school buildings" to the boardof school directors of each district. In all school districts under the direction of a county superintendent, all grounds and the plansfor all buildings are to approved only with the advice and consent of the county board of school directors.

Sec. 7-751 (1960 P.P.) (a) requires that all construction, reconstruction, repairs, etc., made by a school district exceeding $1,000 in value shall be done under separate contracts after receiving bids following due public notice. In subsection(b) the board of school directors in any school district is authorized to perform construction, reconstruction, repairs, etc., in the

State: Pennsylvania

PART IV (Cont'd.)

amount of $500 or less without solicitingcompetitive bids and may perform such construction, reconstruction, etc., by its own maintenance personnel in an amount less than $2,000, or may have the work performed by contract after solicitingbids from at least three responsible bidders.

Sec. 791.3 - establishes the "State Public School Building Authority," a body corporate consisting of the Governor, the State Treasurer, the Auditor General, the Superintendent of Public Instruction, the Secretary of Property and Supplies, the President pro tempore of the Senate, the Speaker ofthe House of Representatives,the minority leader of the Senate, the minority leader of the House of Representatives, and their respective successors in office.

Sec. 791.4 - sets forth the ~~dxxixx~~ purpose of the Authority: "constructing,improving, maintaining and operating, public school buildings, and furnishing and equipping the same for use as public schools, asa part of the public school system of the Commonwealth of Pennsylvania under the jurisdiction of the Department of PublicInstruction." The Authority is granted numerous powers to carry out this purpose: have existence as a corporation, make contracts of every nature, borrow money, lease to school districts, etc.

Also, see Sec.9-925 (b)(6) (1960 P.P.), quoted under Part III, supra.

Topic 18:

Sec. 2811 - Superintendent of Public Instruction is designated the authority to apply to and receive from the Federal Government any grants of funds for the use of public schools.

Sec. 9-925 (1960 P.P.) reads in part: "(a) The county boardof school directors, in respect to school districts whose directors are eligible to vote at the election of members ofthe county board, shall have power and its duty shall be-- ... x(11) To receive Federal, State and local moneys and to expend the same to provide special services for school districts under the supervision of the county superintendent that may be authorized by the county convention of school directos..."

Topic 19:

Sec. 26-2601 reads: "All escheated estates in this Commonwealth, and all other property or money which shall in any way accrue to such fund, whether by devise, gift,orotherwise, shall belong to and constitute a fund,to be known and designated as 'The State School Fund of Pennsylvania,'..."

Sec. 26-2602 - All real and personal property belonging to the State School Fund to be under the control and management of the State Councilof Education.

Sec. 26-2604 - use of income of the fund - to be used towards equalizing the educational advantages of the different parts of the Commonwealth

State: Pennsylvania

PART IV (Cont'd.)

Sec.25-2502 (1960 P.P.) - sets up the bases for reimbursements to school districts and payments by the Commonwealth on account of the instruction of pupils.

Topic No. 20:

Sec. 2-216 (a),(b), and (c) - makes it lawful for any school district to receive and hold, absolutely or in trust, any devise, bequest, grant, endowment, gift, or donation, etc., to be administered under the direction of the board of school directors, who shall invest the same and keep accounts.

Also, see Sec. 26-2601, cited under Topic 19, above, regarding gifts to the Commonwealth.

Topic No. 21:

Sec. 5-502 - Board of school directors in any school district is given authority to establish, equip, furnish, and maintain various schools and departments, including libraries.

Sec. 23-2301 - Libraries in each school district of the second, third, or fourth class may be under the management and supervision of the board of school directors of such district, or a board of seven library trustees, as the board of school directors may determine.

Sec. 23-2304 - Board of library trustees may, subject to approval of board of school directors, make rules and regulations for management and supervision of the public school library, "and shall have general charge, supervision, and management of the public school library in the district, purchase the books, maps, or other matter, appoint the librarian and other employes, and do all other things necessary for its government, preservation, and maintenance."

Sec. 23-2309: "The board of school directors or the library trustees, with the consent of the board of school directors, may circulate part or all of the booksand other collections of a public school library among the several schools, or may establish branch libraries."

Sec. 23-2312 - Librarians or trustees to make reports to the State Librarian and the Superintendent of Public Instruction.

Also see Sec. 9-925 (b)(5) through (10) (1960 P.P.) quoted under Part III, supra.

Topic No. 22:

Sec.9-925 (a) (1960 P.P.) Requires the county board of school directors, "in respect to school districts whose directors are eligible to vote at the election of members of the county board," ... (9) To make such studies and reports asmay be suggested by the State Council of Education."

State: Pennsylvania

PART IV (Cont'd.)

Topic No. 23:

Sec.11-1186 (1960 P.P.) - Requires each county superintendent to call together teachers of the districts for two days each year "for the purpose of receiving instructions in the science and art of teaching." The county superintendent is to exercise general management over such assembly, secure the necessary speakers and incur the necessary expenses.

Sec. 11-1194 (1960 P.P.) - In each school district of the first, second and third class, which has employed a district superintendent, except as provided in section 1186, the board of school directors may provide any form of teacher training it may deem proper.

Sec. 11-1193 (1960 P.P.) - Reports to be made to Department of Public Instruction by county superintendent after meetings of teachers giving, among other information, "the subjects upon which instruction was given, the degree of popular interest awakened by the proceeding, and such further information as may be required."

RHODE ISLAND (1959-60)

Enrollment in full-time public schools:	
Elementary	100,814
High School	32,503
Number of school districts (including non-operating)	39
Number of elementary schools	284
Number of high schools (including junior high)	66
Expenditure per pupil in average daily attendance	$413

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

RHODE ISLAND

Regional and Independent School Superintendencies

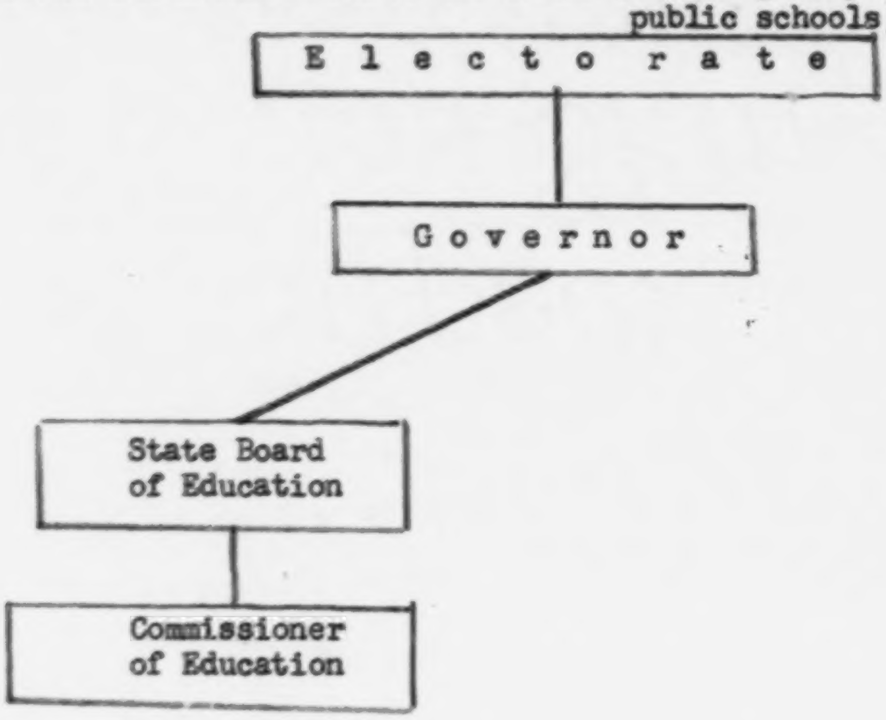
There are 41 school superintendencies in the State: 2 regional high school superintendencies and 39 independent city or town superintendencies.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 168.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 132-133.

RHODE ISLAND

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 7 members appointed by the governor for overlapping 7-year terms, 1 member being appointed each year in the month of February. The governor is directed by the act creating the board to seek persons who best serve the needs of the entire State when selecting and appointing members.

3. Chief State School Officer

The State board of education appoints a commissioner of education to serve for a term of 5 years. The commissioner is in the unclassified civil service of the State and may not be removed except for cause.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for the coordination of the State program of public elementary and secondary education....

9. Fiscal Coordination

Two State education agencies transmit budgets to the State budget director who acts in a staff capacity to the governor or governor-elect. These two agencies are the State board of education.... The budget director analyzes the proposed budgets and holds public hearings to which members of the State legislature are invited. The governor, in reviewing the budgets, may reduce the total amount or eliminate, increase, or reduce specific items in the budgets. The executive State budget is then prepared by the governor and submitted to the legislature with the governor's message.

State: Rhode Island

Source of information unless otherwise stated: Rhode Island Education Laws, State Department of Education, Providence, Rhode Island, 1959

PART I

Educational Organization

State level:

Department of Education: called State Department of Education

how organized: not stated

established by: Sec. 42-15-1

is it a body corporate: Apparently not. Part of State central govt.

State Board of Education: called State Board of Education

established by: Sec. 42-15-2

is it a body corporate: Apparently not, see above

composition: 7 members

how selected: Appointed by Governor

is confirmation necessary: No

subject to what control: -

to whom reporting: Governor

term of office: 7 years, Sec. 42-15-2

Chief state school officer: called Commissioner of Education

office established by: Sec. 42-15-5

how selected: Appointed by State Board of Education, Sec. 42-15-5

is confirmation necessary: No, but governor must approve salary, Sec. 42-15-6

subject to what control: State Bd. of Educ.

to whom reporting:

term of office: 5 years

staff and who appoints: not stated

Other organization or official: called none

State: Rhode Island

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School District

how organized: town or city

composition: " "

is it a body corporate: yes, Sec. 16-2-4

Board of education: called School Committee of town or city

established by: Sec. 16-2-5

is it a body corporate: No, district is

composition: 3 members

how selected: (a) annual election
(b) biennial election

is confirmation necessary: No

subject to what control: Electorate & Department of Education

to whom reporting: State Dept. of Education, Sec. 16-2-21

term of office: (a) 3 years, overlapping
(b) 4 years, overlapping

meetings: 4 regular a year, and any special meetings called

Administrative officer of unit: called Superintendent

office established by: Sec. 16-2-9

how selected: (a) election by Committee, ibid., or
(b) appointment & payment by State Dept. of Educ. Sec. 16-5-7

is confirmation necessary: No

subject to what control: (a) Committee, Sec. 16-2-9
(b) State Dept. of Educ. Sec. 16-5-7

to whom reporting: (a) Committee, Sec. 16-2-9
(b) State Dept. of Education, Sec. 16-5-7

term of office: (a) determined by Committee, Sec. 16-2-9
(b) " " St. Dept. of Educ., Sec. 16-5-7

staff and who appoints: not stated

Under Sec. 16-2-12 two or more school committees may vote to unite, for the purpose of employing joint superintendent, and they therefore become a joint committee (16-2-13), meeting once a year to appoint superintendent and apportion costs (ibid.); but apparently the separate committees continue to operate independently for other purposes.

State: Rhode Island

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Regional School District

how organized: union of smaller districts by vote, Sec. 16-3-10

composition: several smaller districts

is it a body corporate: yes, Sec. 16-3-11

Board of education: called Regional district school committees

established by: vote, Sec. 16-3-10

is it a body corporate: no

composition: same as under "Term of Office" below

how selected: "

is confirmation necessary: "

subject to what control: Regional School District Financial Meeting composed of 50 members elected for 3 years, Sec. 16-3-14; and St. Dept. of Education, Sec. 16-2-31

to whom reporting: same

term of office: as determined by electorate (ly-3-10) following recommendation of Regional Planning Board (16-3-5 and 16-3-7) and town councils (16-3-9).

Administrative officer of unit: called Superintendent

office established by: Sec. 16-3-11

how selected: Appointed by Regional District School Committee, Sec. 16-3-11

is confirmation necessary: No

subject to what control: Committee

to whom reporting: "

term of office: determined by Committee, Sec. 16-3-11

staff and who appoints: Not described, but if any then appointed by Committee, Sec. 16-3-11.

State: Rhode Island

PART I

Educational Organization (continued)

Schools

Principals

appointed by: School Committee, Sec. 16-2-18

qualifications: certification, Sec. 16-11-1

term of office: determined by Committee, Sec. 16-2-18

Teachers

appointed by: School Committee, Sec. 16-2-18

qualifications: determined by Committee, Sec. 16-2-18

certification: Sec. 16-11-2

tenure: determined by Committee, Sec. 16-2-18; 16-12-6

special assignments: determined by Committee, Sec. 16-2-18

State: Rhode Island

Source of information unless otherwise stated: "Rhode Island Education Laws", Providence: State Department of Education, 1959 (excerpt from Rhode Island Laws, with section numbers corresponding).

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Department of Education

Sec. 42-15-1. Department established--Control. -- There shall be a state department of education, control of which shall be vested in the state board of education.

Sec. 16-1-6. Annual report of schools to department.-- The officers or persons in charge of all schools and educational institutions supported wholly or in part by this state, whether entirely devoted to education or only partially so, shall make a report annually in the month of July to the department of education, of such facts as shall show the number of pupils and instructors, the courses of study, cost of maintenance, and general needs and conditions of the school or institution.

Sec. 16-1-10. Assumption of control of town schools by department.-- The school committee of any town, in which the taxable property is not adequate, at the average rate of taxation for public school support throughout the state, to provide, with the moneys that may be apportioned from the general treasury, an amount sufficient to provide and maintain public schools of a high standard, may at regular meeting held before the first day of July in any year request the department of education to assume the supervision, control and management of the public schools of the town for the ensuing year, provided that the town has appropriated for the support of public schools for said year a sum equivalent to thirty cents (30¢) on each one hundred dollars ($100) of the assessed valuation of the town. Upon receiving such request the department of education, if it shall be satisfied that the request is warranted and that the best interests of the public schools will be served thereby, may assume such supervision, control and management.

PART II - continued (2)

Sec. 16-1-11. Powers of department after taking over town schools.-- For the purposes of this section, Sec. 16-1-10, Secs. 16-5-1 to 16-5-5, inclusive, and Secs. 16-5-19 to 16-5-22, inclusive, the department of education shall be subrogated to all the powers and functions of the town school committee, including the right to draw orders upon the town treasurer for the payment for the support of the public schools of the town of any money in the town treasury required by law to be accredited to the public school account. The department of education may also apportion to or expend for the support of the public schools of the town any part of the annual appropriation for public schools provided by Sec. 16-4-5 as shall not be apportioned for other purposes, or the whole, or any part of such annual appropriation as the general assembly shall make for the purposes of this section, Sec. 16-1-10, Secs. 16-5-1 to 16-5-5, inclusive, and Secs. 16-5-19 to 16-5-22, inclusive.

Sec. 16-1-12. References to director of education.--Whenever in any law, or in any resolution, document, record, instrument, proceeding, or elsewhere, the words "director of education" shall appear, they shall hereafter be construed to mean "board of education" or "department of education" as the context and subject matter thereof may require.

State Board of Education

Sec. 42-15-2. Composition of board--Appointment of members.--The state board of education shall consist of seven (7) members, who shall be appointed by the governor as herein provided. In the month of February in each year, the governor shall appoint one (1) member of said board to hold office until the first day of March in the seventh year after his appointment and until his successor is appointed and qualified, to succeed the member whose term will next expire.

Any vacancy in the board shall be filled by appointment of the governor for the remainder of the unexpired term.

In the selection and appointment of members of the board of education the governor shall seek persons who best will serve the needs of the entire state.

Sec. 42-15-4. Responsibilities of board.--It shall be the responsibility of the state board of education:

(a) To have general supervision and control of the public schools.

(b) To be the policy forming and planning agency for the public school system of the state.

(c) To determine and adopt policies for the more efficient operation of any phase of public school education, including functions and programs receiving state support in public schools.

(d) To carry into effect the laws and policies of the state relating to education.

PART II - continued (3)

(c) To determine and adopt policies for the more efficient operation of any phase of public school education, including functions and programs receiving state support in public schools.

(d) To carry into effect the laws and policies of the state relating to education.

(e) To make all needful rules and regulations for the carrying out of its duties and for the proper enforcement of the provisions of school law.

(f) To review the educational needs of the state and to adopt or promote plans for meeting those needs.

(g) To appraise the results being achieved in the education program.

(h) To recommend and propose to the governor desirable changes in the laws relating to education.

Sec. 16-1-1. Board of education--Rules--Chairman--Quorum.--The board of education shall adopt its own rules and order of business and shall elect one of its members as chairman upon the appointment of any member for a full term and whenever the office may be vacant. A majority of the members shall constitute a quorum.

Sec. 16-1-4. Powers and duties of board.--The state board of education shall have power and shall be required:

(a) To be responsible for the formation and adoption of state educational policies.

(b) To adopt standards and qualifications for the certification of teachers and to provide for the issuance of certificates.

(c) To establish rules for the approval and accrediting of secondary schools.

(d) To review the subjects and courses of study to be taught and instructional standards to be maintained in the elementary and secondary schools.

(e) To be responsible for the distribution of state school funds.

(f) To study, review and make recommendations for the design, construction and location of school buildings when so requested by any school authority.

(g) To recommend standards for school libraries and to provide school library services.

PART II - continued (4)

(h) To make recommendations relative to the transportation of pupils, school bus routes, time schedules and other matters relating to pupil transportation, together with the right to cause every city and town school department to submit its respective school bus routes, schedules and other matters pertinent thereto.

(i) To enforce the provisions of all laws relating to schools and education.

(j) To decide appeals from decisions of the commissioner.

(k) To prescribe forms for the use of local school committees and local officers.

(l) To adopt and require standard accounting and auditing procedures for local school officers.

(m) To provide for the organization of the department of education and to establish divisions, bureaus or other administrative units within the department with the approval of the governor.

Sec. 16-1-6. Annual report of schools to department.--The officers or persons in charge of all schools and educational institutions supported wholly or in part by this state, whether entirely devoted to education or only partially so, shall make a report annually in the month of July to the department of education, of such facts as shall show the number of pupils and instructors, the courses of study, cost of maintenance, and general needs and conditions of the school or institution.

Sec. 16-1-7. Annual report of board to general assembly.--The board of education shall make an annual report to the general assembly at its January session.

Sec. 16-2-24. Surveys of town schools by state board.--The state board of education may from time to time make or cause to be made a survey of the public schools of any town, and shall make such survey upon the request of the school committee of any town. The board of education shall include in its annual report to the general assembly a summary of its findings upon such surveys with such recommendations as shall seem advisable.

Commissioner of Education

Sec. 16-1-5. Duties of commissioner.--It shall be the duty of the commissioner of education:

(a) To carry out the policies and program formulated by the board of education.

(b) To evaluate credentials of applicants for certificates, to verify that the certification of teachers is in accordance with law and established standards, and to issue such certificates at the direction of the board.

PART II - continued (5)

(c) To certify the approval of accredited schools.

(d) To recommend to the board an outline of the subjects and courses of study and the instructional standards for elementary and secondary schools.

(e) To approve the distribution of state school funds in accordance with law and the regulations of the board.

(f) To verify that school sites and school building plans are in accordance with law and regulations.

(g) To exercise supervision over school libraries and library services.

(h) To certify that school bus routes and schedules and all contracts for pupil transportation conform with provisions of law and the rules and regulations of the board.

(i) To require the observance of all laws relating to schools and education.

(j) To interpret school law and to decide such controversies as may be appealed to him from decisions of local school committees.

(k) To prepare and recommend standard forms for the use of local schools.

(l) To prepare, with the assistance of the department of administration, a manual of standard financial records and procedures for local school officers.

(m) To have general supervision of the department of education and to appoint the several officers and employees of the department subject to the provisions of the state merit system act.

Sec. 16-1-8. Visits of commissioner to schools.--The commissioner of education shall visit, as often as practicable, every town in the state, for the purpose of inspecting the schools, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of the defects, and of any desirable improvements, in the administration of the system and the government and instruction of the schools.

Sec. 16-1-9. Uniformity of textbooks--Library assistance.--He shall recommend and bring about, as far as practicable, a uniformity of textbooks in the schools of all the towns; and shall assist in the establishment of, and selection of books for, school libraries.

Sec. 16-7-14. Studies and recommendations as to chapter.--The commissioner of education is hereby directed to make a continuous evaluation of the operation of this chapter (Chapter 7, Foundation Level School Support) for the purpose of examining its effect upon the wholesomeness of the fiscal arrangements as between the state on the one hand and the cities and towns on the other. At least once every two (2) years the state board of education shall review the findings of the commissioner of education and shall make what recommendations it deems advisable for the improvement of the operation of this chapter to the governor and the general assembly.

PART II - continued (6)

School Committee - local

Sec. 16-2-16. Rules and regulations--Curriculum.--The school committee shall make and cause to be put up in each schoolhouse, rules and regulations for the attendance and classification of the pupils, for the introduction and use of textbooks and works of reference, and for the instruction, government and discipline of the public schools, and shall prescribe the studies to be pursued therein, under the direction of the department of education.

Sec. 16-2-18. Selection of teachers and superintendent--General control of schools--Expenses.--The selection of teachers and election of superintendent, in such towns as do not unite for the employment of a superintendent, and the entire care, control, and management of all the public school interests of the several towns, shall be vested in the school committee of the several towns, and they shall also draw all orders for the payment of their expenses.

Sec. 16-2-20. Visitation and examination of schools.--The school committee shall make provision for visitation and inspection of every public school in the town by the superintendent of schools or other agent of the committee at regular periods or so often as may be required for proper supervision; provided that at least once during every school year an examination shall be made of the schoolhouse and premises, including classrooms, laboratories and other rooms used by pupils and teachers, with particular reference to cleanliness, heating, lighting, seating, ventilation and other sanitary arrangements,and to corridors, stairways, doors, windows, fire escapes and other devices for the protection of life in case of fire; and of registers and other school records, of the school library, apparatus and equipment in classrooms and laboratories, of the books, discipline, mode of teaching and other matters that affect instruction. Report of such visitation and examination, with recommendations for the improvement of schools, shall be made to the school committee. This section shall apply to the city of Providence.

Sec. 16-2-21. Annual reports and appropriation requests.--The school committee shall prepare and submit annually to the department of education, on or before the first day of August, a report in manner and form prescribed by the state board of education; they shall also prepare not less than thirty (30) days before the date of the annual financial town meeting, or the date of the meeting of the city council at which annual appropriations are made, on forms prescribed and furnished by the department of education, their estimates and recommendations of the amounts necessary to be appropriated for the support of public schools for the fiscal year then ensuing; provided, that a copy of such estimates and recommendations shall be sent to the department of education;.....they shall also prepare and submit annually to the department of education and at the annual financial town meeting, a report to the town, setting forth their doings, the state and condition of the schools and plans for their improvement, which report, unless printed, shall be read in open meeting; and if printed, at least three (3) copies shall be transmitted to the department on or before the day of the annual financial town meeting in each year.

Superintendent - local

Sec. 16-2-11. General powers and duties of superintendent.--The superintendent of schools employed in accordance with the provisions of this chapter, shall, under the direction of the school committee, have the care and supervision of the public schools and shall be the chief administrative agent of the school committee. He shall give the school committee such assistance as it may direct in keeping its records and accounts and in making such reports as are required by law. He shall recommend teachers, including principals, supervisors, and assistants, to the school committee for appointment to service in public schools. He shall recommend to the school committee courses of study, textbooks, school supplies, school furniture, repairs and other needed improvements. He shall make a report to the school committee annually and at such other times as it may direct.

NOTE: See also Sec. 16-2-20, above.

School Committees of Regional School Districts

Sec. 16-3-11. School committees of regional school districts--Powers and duties.--A regional school district established under the provisions of the preceding section shall be a body politic and corporate with all the powers and duties conferred by law upon school committees and with the following additional powers and duties:

(a) To adopt a name and a corporate seal.

(b) To sue and be sued but only to the same extent and upon the same conditions that a town may sue or be sued.

(c) To acquire by purchase, gift, or other means of transfer or by condemnation, land and improvements within said district as a site for a school or schools. To acquire also by any such method such rights of way and other easement as may be required in connection with the use of said site......

Said district, through its said committee, is authorized and empowered to pay for the cost of acquiring land for said school site from the proceeds received from the sale of bonds issued pursuant to the provisions of this chapter, whether the same be acquired by purchase or by condemnation, or partly by purchase and partly by condemnation.

(d) To secure competent architectural and engineering services for the making of surveys, the preparation of plans and specifications for the construction and equipment of a school or schools in said district and to employ such clerical assistance as may be necessary.

(e) To construct, furnish and equip schools and improve the grounds upon which the schools are located and to make additions to said schools as may be needed.

(f) To make all contracts and agreements that may be necessary for the exercise of the powers vested in said district school committee by sub-paragraphs (c), (d) and (e) hereof; provided, however, that said regional district school committee shall not make any expenditure or incur any liability unless the necessary appropriations have been authorized by the regional school district financial meeting.

(g) To issue, when and if authorized by the regional school district financial meeting hereinafter provided, under its corporate name and seal, bonds in serial form to an amount not exceeding the debt limits as hereinafter described.....

(h) To borrow temporarily from time to time such sums as may be authorized by the regional school district financial meeting as hereinafter provided, and to issue temporary notes of the district thereof, the proceeds whereof shall be used only for the purposes set forth in sub-paragraphs (c), (d) and (e)......

(i) To incur temporary debt after the district school or schools are constructed and in operation in anticipation of revenue to be received.

(j) To apply for and receive, accept and use any state or federal funds or assistance, or both, as may be provided, whether in the form of a grant or a loan, or both; on the same basis as other school districts, but subject to the provisions of this chapter. To receive, accept and use any gift from private sources. To receive and disburse funds for any district purpose.

(k) To publish an annual report thirty (30) days prior to the annual regional school district financial meeting containing a detailed financial statement showing the total receipts and expenditures of the period covered by the report together with such additional information relating to the maintenance and operating of the school or schools as may be deemed necessary by the regional district school committee.

(l) To engage legal counsel.

(m) To engage and employ a superintendent of the district who may also be a principal of the district high school or schools on a contractual basis for either a definite or indefinite term as the regional school district school committee shall decide. The person so employed shall have all the powers and duties imposed upon a superintendent of schools by law.

(n) The powers, duties and liabilities of a regional school district as in this chapter set forth, together with any other powers and duties pertaining to school committees prescribed by the laws of this state and not inconsistent with the provisions of this chapter, shall be vested in and exercised by a regional district school committee organized in accordance with the terms of the agreement. The committee shall choose by ballot a chairman from its membership. It shall also appoint a clerk and a treasurer who may be the same person, and who need not be a member or members of said committee. The treasurer shall receive and take charge of all moneys belonging to the district and shall pay all bills and indebtedness of the district that have been approved by the committee. The clerk and the treasurer shall give bond to said district in such sum and with such surety as shall be satisfactory to said committee and conditioned for the faithful performance of the duties of said office.

State: Rhode Island

PART II - continued (9)

(o) The regional district school committee shall annually cause an audit to be made of the accounts of the regional school district and on completion of each audit, a report thereof shall be made to the chairman of said committee, and a copy thereof shall be submitted to the next regional school district financial meeting.

Superintendent of Regional School Districts

Same as those of a superintendent of schools (16-3-11-m), as shown above.

State: Rhode Island

Source of information unless otherwise stated: "Rhode Island Education Laws", Providence: State Department of Education, 1959 (excerpt from Rhode Island Laws, with section numbers corresponding).

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Title 16, Chapter 28, Educational Television

16-28-1. Purpose of chapter -- It is the purpose of this chapter to make educational television services available to all the citizens of Rhode Island in the interest of the advancement and promotion of educational cultural needs and the improvement of health and living conditions.

History of Section.
P. L. 1955, ch. 3514, Sec. 1.

16-28-2. Powers of state board of education -- In addition to the powers granted to it by any general or special public law the state board of education is hereby authorized and empowered:

a. To accept, assume and control the television channel or channels assigned by the federal communications commission to the state of Rhode Island.

b. To adopt such rules and regulations as it shall deem necessary for that purpose.

c. To construct with the approval of the director of administration, and to repair and operate noncommercial educational television facilities which are designed ultimately to extend to and include the entire state.

d. To produce, lease, rent and contract for telecasting purposes any cultural, educational or public information programs and to enter into agreements with other agencies for the purpose of receiving, exchanging, rebroadcasting or the retelevising of such programs.

e. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, all of whom shall not be in the classified service of the state, and to fix their compensation.

State: Rhode Island

PART III - continued (2)

f. To receive appropriations from the general assembly and to accept from any federal agency grants for or in aid of the construction and operation of any television facility or for any other purpose connected with educational television; provided, the acceptance of such grants or appropriations shall not reduce the amount of federal aid for other education in this state; and to receive and accept aid or contributions from any public or private source of either money, property, labor or other things of value.

g. To do any and all things necessary to comply with rules, regulations, or requirements of the federal communications commission or any other federal agency administering any law enacted by the congress of the United States to aid or encourage education.

h. To fix, revise, charge or collect fees for the use of any of the television facilities consistent with the applicable rules of the federal communications commission governing noncommercial educational television stations.

i. To do all things necessary or convenient to carry out the powers expressly granted in this chapter.

History of Section.
P. L. 1955, ch. 3514, Sec. 2

Collateral Reference.
Licensing and control of telecast facilities. 15 A. L. R. (2d) 788.

16-28-3. Commercials and political telecasts prohibited -- Programs permitted. -- It shall be unlawful for the board of education to permit any individual, company, corporation, or organization to advertise or otherwise attempt to sell its products or services for commercial purposes through the use of the facilities owned by the state; and it shall be unlawful also for said board to permit any individual or organization to in any way sponsor the election of any party or individual for any public office; provided, however, that nothing in this section shall be construed in a manner which would exclude announcements and programs of educational organizations which are for the public good. Information programs sponsored by legally authorized agencies of the state, federal and international governments for the public good are to be considered proper program materials. Any government official may use said facilities for a factual "report to the people" type of presentation in keeping the people acquainted with the status and condition of the government; provided, that said facilities shall not be used at any time by any person for political purposes. The station's programming shall comply with the requirements of the federal communications commission governing noncommercial educational television stations.

History of Section.
P. L. 1955, ch. 3514, Sec. 3

PART III - continued (3)

16-28-4. Advisory commission -- Appointment and qualifications of members.-- There is hereby created for the purposes of this chapter an advisory commission consisting of twenty (20) members who shall be appointed by the governor as herein provided. In the month of February in each year, the governor shall appoint five (5) members of said commission to hold office until the first day of March in the fourth year after their appointment and until their respective successors shall be appointed and qualified to succeed the members whose terms will next expire.

Any vacancy which may occur in said commission shall be filled by the governor for the remainder of the unexpired term.

The commission shall insofar as possible be broadly representative of the different educational, cultural, professional, religious, and social interests in the state.

History of Section.
P. L. 1955, ch. 3514, Sec. 4.

Compiler's Note.
The phrase "in the month of February in each year" has been substituted for "in the month of February, 1956, and in the month of February in each year thereafter."

16-28-5. Organization and functions of advisory commission -- Expenses. The governor shall designate one of the members of said advisory commission as chairman. Said commission shall adopt such rules for its own procedure and appoint such other officers from its members as it deems fit.

Said commission shall have no administrative power but shall confer at regular intervals and cooperate with, advise and make recommendations to the board of education in the administration of this chapter.

It shall be the duty of the board to consult with the advisory commission on matters relating to the operation of the educational television station, providing, however, that ultimate policy decisions shall rest with the board.

The members of said commission shall serve without compensation, but shall be entitled to receive reimbursement for reasonable actual and necessary expenses incurred in performance of their duties.

History of Section.
P. L. 1955, ch. 3514, Sec. 4.

Compiler's Note.
In the first paragraph the phrase "one of the members of said advisory commission" has been substituted for clarification for "one of their members."

16-28-6. Appropriations and disbursements.--The general assembly shall annually appropriate a sum sufficient to carry out the purposes of this chapter; and the state controller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of such sum, or so much thereof as may be required, from time to time, upon the receipt by him of properly authenticated vouchers.

History of Section.
P. L. 1955, ch. 3514, Sec. 5.

State: Rhode Island

PART III - continued (4)

Sec. 16-5-19. Appropriations for reference works and apparatus.-- The general assembly shall annually appropriate such sum as it may deem necessary for the purchase of dictionaries, encyclopedias and other works of reference, maps, globes and other apparatus, for the use of public schools of the state.

History of Section.
G. L. 1896, ch. 53, Sec. 7; P. L. 1898, ch. 540, Sec. 1; G. L. 1909, ch. 65, Sec. 7; P. L. 1916, ch. 1348, Sec. 1; G. L. 1923, ch. 67, Sec. 6; P. L. 1925, ch. 595, Sec. 1; P. L. 1935, Ch. 2250, Sec. 149; G. L. 1938, ch. 192, Sec. 6.

Cross-Reference.
Powers of state department after taking over town schools, Sec. 16-1-11.

State: Rhode Island

Source of information unless otherwise stated: Rhode Island Education Laws, State Department of Education, Providence, Rhode Island, 1959.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Chapter 28 (See Part III)

Yes 3. Preparing curricula

16-1-4(d), 16-1-5(d), 16-2-11, 16-22-1
16-1-8

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

16-2-16, 16-2-20

Yes 5. Organizing AV units and cooperative activities

16-1-4(m), 16-2-11, 16-2-18, 16-28-5

No 6. Conferring on AV use outside of State educational structure

State: Rhode Island

PART IV (continued)

Yes or
No

Yes 7. Selecting AV aids (and observing academic freedom)

16-2-11

Yes 8. Selecting textbooks (and observing academic freedom)

16-1-9, 16-2-11, 16-216, 16-23-1, 16-23-2

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

16-3-11(e), 16-28-2, 16-23-2

Yes 10. Financing acquisition by rent or purchase

16-2-21, 16-5-19, 16-5-20, 16-9-1, 16-28-2(f), 16-28-6

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

16-2-20, 16-28-2(c)

Yes 12. Distributing AV aids

16-28-2(d)

Yes 13. Producing AV aids

16-28-2(d)

Yes 14. Certificating teachers and AV professionals

16-1-4(b), 16-1-5(b), 16- 2-10, 16-11-1, 16-11-2, 16-11-3

Yes 15. Prescribing qualifications of using personnel

16-1-5(m), 16-28-4

State: Rhode Island

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

16-1-4(c), 16-1-5(c)

Yes 17. Building or remodeling schools to facilitate AV use

16-1-4(f), 16-1-5(f), 16-2-15, 16-2-25, 16-3-11(d), 16-3-11(e)

Yes 18. Federal aid to schools

16-3-11(j), 16-8-5, 16-8-6, 16-8-14

Yes 19. State aid to schools

16-1-4(e), 16-1-5(e), 16-4-1, 16-4-5, 16-5-1, 16-5-10, 16-5-23, 16-7-2, 16-7-7, 16-7-12

Yes 20. Private aid to schools

16-3-11(c), 16-3-11(h), 16-3-11(i), 16-3-11(j)

Yes 21. Library programs

16-1-4(g)

Yes 22. Research programs

16-3-6

No 23. Institutes

Yes 24. Other established procedures

16-1-4(i), 16-1-4(j), 16-1-5(i), 16-1-5(j)

State: Rhode Island

Source of information unless otherwise stated: Rhode Island Education Laws, Providence: State Department of Education, 1959

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

All those categories which specifically include references to A-V media and the use thereof as found in sections under Chapter 28 should be checked by reading part III.

On curricula section 16-28-1 directs the Department of Education to make a study of the curricula offered by public schools for the purpose of planning a more practical educational program.

The information on advising subordinate units may be found in Part II, as may those sections which refer to organizing AV units and cooperative activities.

In the area of selecting textbooks sections 16-23-1, and 16-23-2 contain additional information to that which is covered in Part II.
16-23-1: A change may be made in the school books in the schools of any town by a vote of two-thirds of the whole school committee; and in the city of Providence by a notice of the proposed change having been given in writing at a previous regular meeting of said committee; provided, that no change be made in any textbook in the public schools oftener than once in three(3) years, unless by the consent of the department of education.
16-23-2: The school committee of every town shall purchase, at the expense of such town, textbooks and other school supplies used in the public schools; and such textbooks and supplies shall be loaned to the pupils free of charge..."

All the information related to the sections on acquiring AV aids, school supplies and equipment may be found in Part II.

Section 16-5-19 directs the General Assembly to appropriate annually the amount it deems necessary for the purchase of dictionaries, encyclopedias, and other works of reference, maps, globes, and other apparatus. The sum apportioned in accordance therewith is apportioned among the several towns pursuant to the method outlined in section 16-5-20. It is the town treasurer who receives such disbursements from the State, according to section 16-9-1.

As for teacher certification, section 16-11-1 states that no person shall be employed to teach in a public school unless they possess a certificate of qualification issued by or under the authority of the State Board. The examinations held by the State Board are authorized by section 16-11-2 The Board is also permitted to issue certificates without examination, within its discretion by section 16-11-3.

State: Rhode Island

PART IV (Cont.)

Among the references to building or remodeling schools, section 16-2-15 directs the town school committees to control all public school building andproperty, including repairs, the purchase of furniture and equipment. In the cities of Providence and Cranston this function is performed by the superintendent and teachers, according to section 16-2-25. Included in that same section is a proviso that the city council have the expenditure of those sums appropriated for the improvement, construction or repair of school buildings.

In the area of Federal Aid section 16-8-5 authorizes the State Board to enter into agreements with the United States Commissioner of Education, provided that any agreement is subject to the approval of the Governor. Those Federal funds paid to the State are received by the General Treasurer pursuant to section 16-8-6, and section 16-8-14.

The General Treasurer with the advice of the Governor has full power to regulate the custody and safekeeping of the Permanent Fund as provided for in section 16-4-1. The Board of Education is permitted to apportion the income from the Fund for the support and maintenance of public schools in any town. This language is found in section 16-4-5. The general annual appropriation by the General Assembly is authorized by section 16-5-1. Section 16-5-10 covers aid to high schools. Equalization aid is also provided for in section 16-5-23. The State's share of the Foundation Level School Support is paid to each town and city in two equal semiannual installments, according to section 16-7-2. Matching funds by the city or town are covered by section 16-7-7. This Foundation Fund Aid is declared to be supplemental by section 16-7-12.

Information pertaining to the sections on private aid have been included in Part II. The same can be said for the category on library programs.

Section 16-3-6; It shall be the duty of the regional school district planning board to study the advisability of establishing a regional school district, its organization, operation and control, and of constructing, maintaing and operating a school or schools to serve th needs of such district; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of a regional school district; and to submit a report of its findings and recommendations to the town councils of the several participating towns.

SOUTH CAROLINA (1959-60)

Enrollment in full-time public schools:	
Elementary	482,442
High School	127,657
Number of school districts (including non-operating)	108
Number of elementary schools	1,003
Number of high schools (including junior high)	416
Expenditure per pupil in average daily attendance	$220

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

SOUTH CAROLINA

County and Independent School Superintendencies

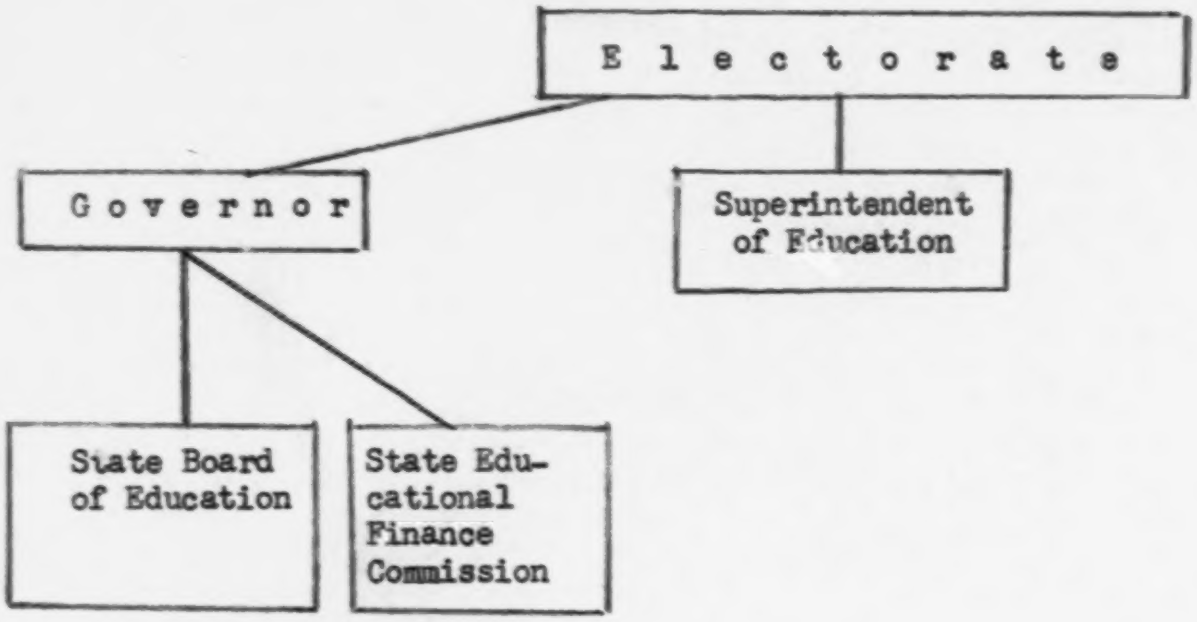
There are 131 school superintendencies in the State: 24 complete county-unit, 22 county-intermediate, and 85 independent city or town superintendencies. In the 22 county-intermediate counties, the superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 169.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 134-137.

SOUTH CAROLINA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)


Electorate
Governor
Superintendent of Education
State Board of Education
State Educational Finance Commission

2. State Education Boards

   a. Schools ....

   State Board of Education.--Consists of 9 members, 7 appointed by the governor for overlapping 4-year terms plus the governor and the State superintendent of education ex officio. At least 1 of the appointed members is from each congressional district.

   b. Supplementary programs

   State School Book Commission (administrative).--Consists of 7 members --the governor, the State superintendent of education, the director of the division of textbooks, 1 member of the State board of education designated by the board, and 3 county superintendents selected by the association of county superintendents. The 3 superintendents and the member of the State board serve concurrent 3-year terms.

   The textbook commission provides textbooks and audio-visual equipment and materials for use in the public schools on a rental or purchase basis.

   State Educational Finance Commission (administrative).--Consists of 7 members, 5 appointed by the governor by and with the consent of the senate plus the governor and the State superintendent of education ex officio. The appointive members serve overlapping 5-year terms, 1 being elected each year. No 2 of them come from the same congressional district. The appointed members receive a salary, an allowance of 7 cents per mile for travel, and reimbursement for expenses incurred in discharging their duties.

The commission is empowered by statute to disburse funds provided for school buildings by the general assembly, to make plans for the construction of necessary public school buildings, and to make surveys incident to the acquisition of sites for public schools. Furthermore, it is directed by statute to promote the improvement of the school system and its physical facilities, to direct the operation of a State system of transportation for school pupils, to effect desirable consolidations of school districts throughout the entire State, and to make provision for the acquisition of such further facilities as may be necessary to operate the public school system in an efficient manner.

3. Chief State School Officer

The State superintendent of education is elected at each general election on a partisan ballot for a 4-year term which is concurrent with the governor's term. The superintendent serves as ex officio secretary of the State board of education and as executive officer of the board in its capacity as the State board of vocational training.

7. Coordination of the State Education System Through Structure

The State superintendent of education and the State educational finance commission are jointly responsible for coordinating the public elementary and secondary education program. The State board of education serves in an advisory capacity to the State superintendent of education and reviews appeals regarding decisions of the county boards of education.

8. Coordination of the State Education System Through Ex Officio Memberships

The State superintendent of education is an ex officio member of (a) the State board of education (b) the State educational finance commission,.... and (h) the State school book commission.

The governor is an ex officio member of (a) the State board of education, (b) the State educational finance commission.....

9. Fiscal Coordination

The following 11 educational agencies submit budgetary requests to the State budget and control board: ....State educational finance commission, State school book commission, superintendent of education....

The State budget and control board is composed of 5 ex officio members--the governor as chairman, the State treasurer, the comptroller general, the chairman of the senate finance committee, and the chairman of the ways and means committee of the house of representatives. This board functions in the finance division, headed by the State auditor; the division of property and purchasing, headed by a director; and the division of personnel administration, headed by a director. The State budget is prepared in the finance division.

The State budget and control board, aided by assistants in the finance division, examines the budgetary requests of the agencies listed above, passes on the various items in their budgets, and makes its recommendations on the amounts that shall be appropriated. The board can require reductions in the total amounts of those budgets and can eliminate, increase, or reduce specific items contained therein. Hearings are held by the board at which representatives of the educational agencies submitting budgets are allowed to make an appeal for the particular amounts requested. The budgetary requests of the educational agencies are then incorporated into the State budget, and printed copies of the State budget are submitted to the presiding officer of each house of the general assembly for action.

State: **South Carolina**

Source of information unless otherwise stated: **School Laws of South Carolina 1952, reprint from the Code of Laws of South Carolina 1952, issued by the State Department of Education. "Summary of Statewide Laws Relative to Education Passed by the General Assembly Annually since the Publication of the 1952 Code", issued by the State Department of Education, 1961.**

PART I

Educational Organization

State level:

Department of Education: called **State Department of Education**

how organized:

established by:

is it a body corporate: **no**

State Board of Education: called **State Board of Education**

established by: **Sec. 21-41**

is it a body corporate: **no**

composition: **Governor, State Supt.of Education, 7 persons Sec. 21-41**

how selected: **7 members appointed by Governor, 1 from each congressional district, Sec. 21-41**

is confirmation necessary: **no**

subject to what control:

to whom reporting:

term of office: **4 years, Sec. 21-41**

Chief state school officer: called **State Supt. of Education**

office established by: **Sec. 21-21**

how selected: **Elected at each general election, Sec. 21-21**

is confirmation necessary: **no**

subject to what control: **Electorate**

to whom reporting: **Through the Governor, to the General Assembly, Sec. 21-26**

term of office: **Until next general election, Sec. 21-21**

staff and who appoints:

Other organization or official: called **State Educational Finance Commission Sec. 21-52**

State: South Carolina

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education: called County Board of Education, Sec. 21-101

established by: Sec. 21-101

is it a body corporate: no

composition: 7 members, Sec, 21-101

how selected: 6 members appointed by the Governor, recommended by Sen. & ½ members of House of Rep. from county,-County Supt. is ex officio member, Sec. 21-101

is confirmation necessary: No

subject to what control:

to whom reporting:

term of office: 4 years, Sec. 21-101

Administrative officer of unit: called County Superintendent of Education Sec. 21-61

office established by: Sec. 21-61

how selected: elected by qualified electors of county, Sec. 21-61

is confirmation necessary: no

subject to what control:

to whom reporting: State Supt. of Education, Sec. 21-90

term of office: 4 years, Sec. 21-61

staff and who appoints: County Supt. of Education appoints Assist. Supt., Sec. 21-71

State: South Carolina

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called School District No.______ Sec. 21-111

how organized:

composition:

is it a body corporate:

Board of education: called Board of Trustees, Sec. 21-221

established by: Sec. 21-221

is it a body corporate: School District is body corporate, Sec. 21-111

composition: 3 members unless otherwise provided by law, Sec. 21-222

how selected: County board of education shall appoint, Sec. 21-222

is confirmation necessary: no

subject to what control:

to whom reporting: State Superintendent of Education, Sec. 21-243

term of office: 3 years, Sec. 21-222

Administrative officer of unit: called Chairman of Board of Trustees, Sec. 21-226

office established by: Sec. 21-226

how selected: elected by Board of Trustees, Sec. 21-226

is confirmation necessary: no

subject to what control:

to whom reporting: State Superintendent of Education, Sec. 21-243

term of office: Chairman selected after appointment of any new trustee., Sec. 21-226

staff and who appoints:

NOTE: There are separate laws in South Carolina authorizing the individual counties to vary their educational organization set-up. The above is a general structure which stands, if there are no individual laws for the particular county involved.

State: **South Carolina**

PART I

Educational Organization (continued)

Schools

Principals

appointed by:

qualifications:

term of office:

Teachers

appointed by: Employed by Board of Trustees from those having certificates from State Board of Education, Sec. 21-230 (2)

qualifications:

certification: Granted by State Board of Education, Sec. 21-45(4)

tenure:

special assignments:

State: South Carolina

Source of information unless otherwise stated: School Laws of South Carolina, 1952, State Department of Education

"Summary of Statewide Laws Relative to Education Passed by the General Assembly Annually since the Publication of the 1952 Code", issued by the State Department of Education, 1961.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Section 21-23: The State Superintendent of Education shall have general supervision over all the public school funds except as otherwise provided and shall visit every county in the State as often as practicable for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents a knowledge of existing defects and of desirable improvements in thegovernment and instruction of the schools. He shall secure by and with the advice of the State Board of Education, uniformity in the use of textbooks throughout the free public schools.

Section 21-24: The State Superintendent of Education shall discharge such other duties as may be provided by law.

Section 21-45: The State Board of Education shall have power:
(1) To adopt rules and regulations not inconsistent with the laws of the State for its own government and for the government of free public schools;
(2) To prescribe and enforce rules for the examination and certification of teachers;
(3) To prescribe and enforce the course of study for the free public schools, with power to provide for its continued enrichment by the discarding of obsolete, antiquated and useless textbooks and the addition of new and modern textbooks;
(4) To grant State teachers' certificates and to revoke them for immoral or unprofessional conduct, profanity or evident unfitness for teaching;
(6) To prescribe and enforce the use of textbooks for the various subjects taught in the free public schools of the State, both high schools and elementary schools, in accord with the course of study prepared and promulgated by the Board.

Cross references- For rules and regulations promulgated under authority of this section, see Rules and Regulations, Education Department, in volums & of this Code.

PART II (Cont.)

Section 21-56: The (State Educational Finance) Commission shall disbuse such funds as are provided by the General Assembly and shall have suchh further powers as are committed to it by this Title. It shall promote the improvement of the school system and its facilities.

Section 21-57: As soon as practicable the Commission shall make a survey of the entire school system, which shall set forth the needs for new construction, new equipment, new transportation facilities, and such other improvements as are necessary.

Section 21-58: The Commission shall prescribe and promulgate, in the manner providedby law, reasonable rules and regulations to carry out the provisions of this chapter.

Section 21-70: Each county superintendent of education shall visit the schools in his county at least once in each year, and oftener if practicable, and shall note the course and method of instruction and the branches taught and give such recommendation in the art of teaching and the method thereof in each school as shall be necessary, so that uniformity in the course of studies and methods of instruction employed shall be secured as far as practicable in the schools of the several grades, respectively. He shall acquaint himself as far as practicable with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school, the classification of its pupils or the method of instruction employed in the several branches and shall make such suggestions in private to the teachers as to him shall appear necessary .. He shall note the character and condition of the school houses and the sufficiency or insufficiency of the furniture and shall make such suggestions to the several boards of trustees as in his opinion seem conducive to the comfort and progress of the several schools. He shall aid the teachers in all proper methods to improve themselves in their profession. For this purpose he shall encourage the formation of associations of teachers for common improvement and shall conduct teachers' institutes. He shall attend the meetings of such associations and give such advice and instruction in regard to their conduct and management as in his judgement shall contribute to their greater efficiency.

Section 21-230. The board of trustees shall:

(1) Provide schoolhouses;

(2) Employ and discharge teachers;

(5) Control school property;

(6) Visit the schools;

Section 21-230.2: Vests boards of trustees with rule-making power.

State: South Carolina

Source of information unless otherwise stated: School Laws of South Carolina, 1952, State Department of Education

"Summary of Statewide Laws Relative to Education Passed by the General Assembly Annually since the Publication of the 1952 Code", issued by the State Department of Education, 1961.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Section 21-473: The State school book commission shall provide audio-visual equipment, including films and motion picture~~s~~ projectors, for use in the free public schools of the State on either the state rental plan or the library purchase plan.

State: South Carolina

PART III - continued (2)

Source: TIME, May 25, 1962.

Salvation by Television

Down came the blinds, darkening the classroom as 25 students raptly watched the bluish TV screen before them. The show was their French teacher, a precise little woman saying "Nous lirons la lecon encore," and for half an hour the youngsters eagerly tried to reproduce her impeccable accent. So last week a topflight white teacher drilled Negro students in a small high school in rural South Carolina. Moreover, white and Negro children were getting the same TV lesson all over segregated South Carolina--the state that has the most complete commitment to classroom TV in the U.S.

Launched four years ago in a converted Columbia supermarket, South Carolina's classroom TV now reaches 65 high schools (20 Negro) in 27 of the state's 46 counties. Another 65 schools (35 Negro) will join up next fall, and the goal in six years is six courses daily throughout the state's 413 high schools, plus other courses in the 1,200 grade schools.

Hollow Schools. South Carolina's TV binge is drastic--as well it might be. Though it has proportionately more school-age children (30.8% of the population) than any other state, South Carolina is one of the slowest learners in the Union. Almost half of all eighth-graders fail to go on and finish high school, 54.4% of all registrants fail the Selective Service mental test, and no other state boasts fewer median years (8.7) of schooling completed by adults. More than 20% of South Carolinians are in fact "functional illiterates," for one out of five has less than five years of schooling.

To catch up, South Carolina is pouring money into its schools: 50% of every tax dollar now goes to education, and 80% of all pupils are in new classrooms. But the schools are "hollow," as one official puts it. Supported by the nation's third lowest per-capita income ($1,397), they can pay classroom teachers an average of only $3,760 a year, against the U. S. average of $5,527. As a result, South Carolina is critically short of able teachers.

Broad Goal. The solution is to put the state's best teachers on TV and beam their skills at every classroom. First talked up by a group of businessmen, notably Textile Manufacturer John Cauthen, closed-circuit TV can eventually cover the state at a yearly cost of only $14 per pupil. The goal is still distant, but the state legislature has yet to turn down a single new TV appropriation. Each year more coaxial cables are run from schools to microwave stations that pick up broadcasts from the South Carolina Educational Television Commission's well-appointed studies in Columbia.

At the Columbia center, a 28-man professional staff is busily taping half-hour lessons in algebra, geometry, physical science, French, and South Carolina history. The actors are fulltime teachers, who spend six to eight hours developing each lesson, often going out to classrooms to review their own performance. Besides salaries, they get fees that can boost their income to $10,000 a year.

State: South Carolina

PART III - continued (3)

Nor South Carolina's non-TV teachers are "doing their damnedest to make sure TV doesn't replace them," says one official. "What they didn't know before TV arrived, they find out in a hurry." Most of them accept the efficacy of TV teaching. The screen rivets students, encourages them to take notes, and makes them worry if they miss a lesson.

Fringe Benefits. Moreover, teachers are used more efficiently. Columbia's A.C. Flora High School, for example, is doing away with separate plane geometry sections, now groups 230 students in one large classroom with half a dozen TV sets suspended from the ceiling. Supervised by one teacher and two assistants, the students typically watch the TV lesson for 30 minutes, then spend 15 minutes discussing it. One result: the bottom two-thirds of this year's students recently tested higher than the median of last year's separate classes. Even more impressive, the statewide median scores of TV algebra students have precisely matched the median at such top prep schools as Andover and Exeter.

TV's fringe benefits already include a show to train local school board members, a recent production of Macbeth for English literature classes, a statewide monthly brushup program for doctors, and a projected junior college TV program for evening students all over South Carolina. But the vital change is among schoolchildren, now getting a taste of expert teaching for the first time. For thousands of her classmates, one ninth-grader sums up: "I've learned more this year than I did in the seventh and eighth grades put together."

State: South Carolina

Source of information unless otherwise stated: School Laws of South Carolina, 1952, State Department of Education

"Summary of Statewide Laws Relative to Education Passed by the General Assembl[illegible] nually since the Publication of the 1952 Code", issued by the State Department of Education, 1961.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

No 2. Planning the use of AV aids

Yes 3. Preparing curricula

21-45(3), 21-70, 21-411, 21-418

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

21-23, 21-70

No 5. Organizing AV units and cooperative activities

No 6. Conferring on AV use outside of State educational structure

State: South Carolina

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

21-473

Yes 8. Selecting textbooks (and observing academic freedom)

21-23, 21-45(b), 21-451, 21-452, 21-454, 21-456, 21-471, 21-490, 21-539

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

21-473

Yes 10. Financing acquisition by rent or purchase

21-473

No 11. Regulating use of AV aids and keeping statistics on use and using personnel

Yes 12. Distributing AV aids

21-473

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

21-45(2), 21-45(4), 21-354, 21-371, 21-372

No 15. Prescribing qualifications of using personnel

State: South Carolina

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

21-70

Yes 17. Building or remodeling schools to facilitate AV use

21-56, 21-230(1), 21-230(5), 21-321

Yes 18. Federal aid to schools

21-901

Yes 19. State aid to schools

21-271, 21-272, 21-274, 21-275, 21-277, 21-901, 21-904

Yes 20. Private aid to schools

21-231, 21-901, 21-904

Yes 21. Library programs

21-454, 21-490, 21-472

No 22. Research programs

Yes 23. Institutes

21-70

No 24. Other established procedures

State: South Carolina

Source of information unless otherwise stated: School Laws of South Carolina, 1952, State Department of Education

PART IV (CONT.)

Functional and institutional categories of Legal authority which relate, or might relate, to AV media and their use

Topic 3:

Sections 21-45(3) and 21-70 are discussed under Part II. Section 21-411 contains a list of subjects which are required to be taught. It also provides for additional subjects at the direction of the State Board. Some of the subjects are to be supervised by the State Superintendent. An example of this is section 21-418 which authorizes the Superintendent to supervise courses in physical instruction.

Topic 4:

Sections 21-23 and 21-70 have been included in part II.

Topics 7, 9, 10, and 12:

Section 21-473 can be found in Part III.

Topic 8:

Sections 21-23 and 21-45(b) have been referred to in Part II. Section 21-451 establishes the State School Book Commission, its composition, and the terms of its members. In addition there is a Division of Textbooks within the State Department of Education. According to section 21-452, the Division is established by the State Superintendent, who also appoints its director. Section 21-454 provides for library books. Section 21-456 directs the State Board to designate a uniform series of textbooks. The State School Book Commission is to provide all the textbooks for use in the public schools on a rental system, pursuant to section 21-471. Section 21-490 requires the County Superintendents and Boards of Education to cooperate with the State School Book Commission. The same cooperation is to be given by the superintendents, principals, and teachers, according to section 21-539.

Topic 14:

Sections 21-45(2) and 21-45(4) may be found in Part II. Section 21-354 states that no Board of Trustees is permitted to employ any teacher without a certificate. The Boards of Trustees are also permitted to impose additional qualifications

State: South Carolina

PART, IV (Cont.)

Topic 14: (cont.)

foremployment. The regular examinations are held pursuant to the grant of authority in section 21-371. That section authorizes the State Board to formulate the system and to appoint the examiners. Not only must the applicants pass a test on the United States Constitution, but section 21-372 also requires them to satisfy the examiner of their loyalty thereto.

Topic 16:

Section 21-70 is discussed in Part II.

Topic 17:

Section 21-56 is also included in Part II. In addition to the information found in Part II, on sections 21-230(1) and 21-230 (5), section 21-321 provides for an inspection of buildings by the State Superintendent. His approval is a prerequisite to the occupation of any school building.

Topic 18:

Section 21-901 authorizes the State Treasurer to receive Federal funds. He may either invest them or use them in the manner directed by Congress.

Topic 19:

Section 21-271 defines capital improvements to include improving, equipping, renovating and repairing school buildings and faciliteis. Under section 21-272 the State is directed to make a grant on a per pupil basis annually to maintain and establish adequate school facilities. The grants are paid according to the plan set out in section 21-274. The purposes for which the grants may be used are listed in section 21-275. Subpart(2) authorizes the application of the funds to defray the cost of any capital improvement. Before any grants can be expended, the State Educational Finance Commission must approve the purpose. This language is found in section 21-277. When the State Superintendent receives money or gifts, section 21-904 provides that he shall place it in the hands of the State Treasurer who is responsible for the same.

Topic 20:

Section 21-231 permits the Trustees of any school district to receive any property given to the district. Before they can assume control, a bond must be posted with the County Board of Education. Other gifts are receivable by the State Superintendent as provided in section 21-904.

State: South Carolina

PART IV (Cont.)

Topic 21:

Section 21-454, which establishes the Library Committee, also provides that all library books are to be selected from an approved list furnished by the committee to the State Book Commission. The State Book Commission then furnishes the library books pursuant to section 21-472.

There is a Cross-reference under this section to Title 42 of the South Carolina Code.

Section 21-490 authorizes the Commission to issue rules and regulations when deemed necessary.

Topic 23:

Section 21-70 has already been referred to in Part II.

SOUTH DAKOTA (1959-60)

Enrollment in full-time public schools:	
Elementary	116,436
High School	37,160
Number of school districts (including non-operating)	3,070
Number of elementary schools	3,583
Number of high schools (including junior high)	266
Expenditure per pupil in average daily attendance	$347

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

SOUTH DAKOTA

County and Independent School Superintendencies

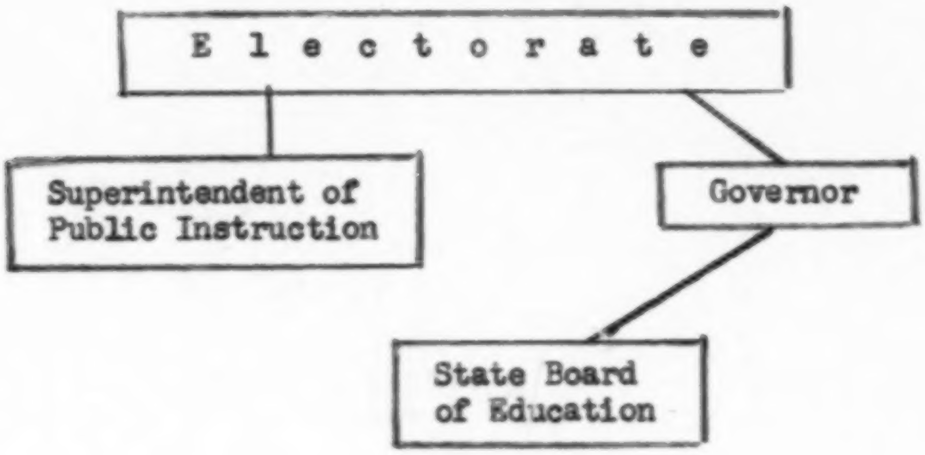
There are 319 school superintendencies in the State: 64 county-intermediate, 3 county-unit, and 252 independent city or town superintendencies. The superintendents of the 64 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 171.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 138-139.

SOUTH DAKOTA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools.....

State Board of Education.—Composed of 7 members appointed by the governor for 7-year overlapping terms. No one is eligible for membership who is engaged in the educational profession or is a member of any State board of higher education.

The State board of education.....acts in an advisory capacity to the State superintendent concerning matters relating to elementary and secondary education.

3. Chief State School Officer

The superintendent of public instruction is elected by the people on a nonpartisan ballot for a 2-year term which is concurrent with the governor's term. He serves as president and executive officer of the State board of education without power to vote.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction is responsible for coordinating the public program of elementary and secondary education. ...

9. Fiscal Coordination

The two State educational agencies which submit budgetary requests to the State board of finance through the director of finance are the superintendent of public instruction and ....

The board of finance is composed of the governor as chairman, the secretary of State, the State treasurer, the State auditor, the attorney general, the commissioner of the school and public lands, the secretary of finance, and the superintendent of banks. The superintendent of public instruction submits his budgetary requests in the form of a State department of education budget.

The board of finance holds hearings at which representatives of the agencies listed above or the institutions represented by the agencies are invited to present their proposed budgets and discuss them with board members. The board then makes recommendations and suggestions relating to any changes that are to be made. The board can require a reduction in the amounts of any budget presented to it by an educational agency.

Upon the board's approval, the budgetary requests submitted by educational agencies are incorporated into the governor's budget. This budget is then submitted to the legislature through the joint appropriations committee of the house and senate. The committee may call on the representatives of the educational agencies or the institutions represented by these agencies to explain their budgets in detail.

State: South Dakota

Source of information unless otherwise stated: The School Laws of the State of South Dakota, 1961, Sioux Falls: Midwest-Beach Company, and South Dakota Constitution.

PART I

Educational Organization

State level:

Department of Education: called State Board of Regents, Sec. 15.0701

how organized: 7 members, appointed by the Governor, ibid.

established by: Sec. 15.0701

is it a body corporate: no

State Board of Education: called State Board of Education

established by: Sec. 15.0801

is it a body corporate: no

composition: 7 members, ibid.

how selected: appointed by the Governor, ibid.

is confirmation necessary: yes, by the Senate, ibid.

subject to what control:

to whom reporting: Submits Supt. of Public Instruction report to Governor, Sec. 15.0803

term of office: 5 years, Sec. 15.0801

Chief state school officer: called Superintendent of Public Instruction Sec. 12, Art. IV, South Dakota Constitution

office established by: South Dakota Constitution

how selected: by the electorate, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: State Board of Education, Sec. 15.0905

term of office: 2 years, Sec. 12, Art. IV, State Constitution

staff and who appoints: State Board appoints professional staff of Dept. of Public Instruction except Deputy State Supt., Sec.15.0803

Other organization or official: called

State: **South Dakota**

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education, if any: called **County Board of Education**

established by: **Sec. 15.09A02**

is it a body corporate: **no**

composition: **7 members, ibid.**

how selected: **by electorate, ibid.**

is confirmation necessary: **no**

subject to what control:

to whom reporting: **State Board of Education, Sec. 15.09A12**

term of office: **4 years, Sec. 15.09A02**

Administrative officer of unit; called **County Supt. of Schools, Sec. 15.1003**

office established by: **Sec. 15.1003**

how selected: **by electorate, Sec. 15.1001**

is confirmation necessary: **no**

subject to what control:

to whom reporting: **Supt. of Public Instruction, Sec. 15.1008**

term of office: **2 years, Sec. 15.1001**

staff and who appoints: **Appointed by County Supt., Sec. 15.1007**

State: South Dakota

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called *Independent school district

how organized:

composition: Must have 12-year program or an accredited high school (Sec. 15.2002)

is it a body corporate: Yes, Sec. 15.2003

Board of education: called School board, Sec. 15.2302

established by: Sec. 15.2302

is it a body corporate: no, district is; see above

composition: 5 members, Sec. 15.2302

how selected: elected, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: county superintendent, Sec. 15.2335

term of office: 5 years, Sec. 15.2302

Administrative officer of unit: called Superintendent

office established by:

how selected: school board, Sec. 15.3801

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

* When there is only one school district in the county with a 12-year program or an accredited high school, it is called a county independent school district.

State: **South Dakota**

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called *Common school district, Sec. 15.2002

how organized:

composition: Must have less than 12-year program and no accredited high school, Sec. 15.2002

is it a body corporate: Yes, Sec. 15.2003

Common
Board of education: called/School board, Sec. 15.2305

established by: Sec. 15.2305

is it a body corporate: no, district is; see above

composition: 3 members, Sec. 15.2305

how selected: elected, ibid.

is confirmation necessary: no

subject to what control:

to whom reporting: county superintendent, Sec. 15.2335

term of office: 3 years, sec. 15.2305

Administrative officer of unit: called Superintendent

office established by:

how selected: school board, Sec. 15.3801

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

---

* When there is only one school district in the county with less than a 12-year program and no accredited high school, it is called a county common school district.

State: **South Dakota**

PART I

Educational Organization (continued)

Schools

Principals

appointed by: **School board, Sec. 15.3801**

qualifications:

term of office:

Teachers

appointed by: **School board, Sec. 15.3801**

qualifications: **State Board of Education has full authority to determine standards, Sec. 15.3802**

certification: **issued by Superintendent of Public Instruction, Sec. 15.3802**

tenure:

special assignments:

State: South Dakota

Source of information unless otherwise stated: The School Laws of the State of South Dakota, 1961.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

State Level

1. Board of Regents

Sec. 15.0715. The Board of Regents and any school board or board of education of this State shall have power to enter into a contract or contracts whereby any State educational institution under the control of the Board of Regents, having a department for the practice and training of teachers, may be constituted the regular school for such district to take the place of the school otherwise maintained in such district.

2. State Board of Education

Sec. 15.0803. Powers and duties of the State Board of Education.

(1) The State Board shall be responsible for the adoption of all policies for the government of the Department of Public Instruction and for the adoption of all policies for carrying out such educational functions as relate to elementary and secondary schools, or as may be vested in the State Department....

(4) Shall formulate and prescribe such policies for execution by the executive officer of the State Board as are necessary to:

(a) Establish standards for classifying, approving and accrediting elementary, secondary, kindergarten, primary, and summer school, both public and nonpublic.....

(5) Shall consider the educational needs of the State and recommend to the governor and the legislature such additional legislation or changes in existing legislation as may be deemed desirable.

(6) Shall consult with the State Superintendent of Public Instruction on the reorganization of school districts.

State: South Dakota

Part II - continued (2)

(7) Shall determine and prescribe all educational standards and requirements which an applicant must meet in order to be issued a teacher's certificate....; determine the duration and the method of renewal or reinstatement of said certificate.....to prescribe other rules and regulations deemed necessary for the administration of teacher certification not prescribed by law. (Also see Sec. 15.3802)

(8) Shall prescribe and establish a State course of study and approve all fields of instruction which may be given in the schools of the State.

(9) May suggest standards for approving the building plans of all school buildings, the equipment of such buildings and school building sites.

Sec. 15.1708. The State Board of Education has the power to review textbooks or other instructional material and withdraw them from circulation in the schools if found undesirable for use.

3. State Superintendent of Public Instruction

Sec. 15.0901. Subject to policies established by the State Board, the Superintendent of Public Instruction shall have general supervision over all elementary and secondary schools in the State.

Sec. 15.0904. The Superintendent of Public Instruction shall have the power to purchase or prepare and cause to be published such bulletins including school laws as may be deemed of value to the educational interests of the State.....

Sec. 15.0905. Duties of Superintendent.

(1) To keep the State Board of Education currently advised as to the operation and status of the public schools and recommend to the Board such policies and rules as he deems necessary for educational progress.

(2) To execute and administer all policies promulgated by the State Board of Education.....

(4) To prepare a biennial report covering the actions of the State Board of Education and the operations of the State Department of Public Instruction and the support, conditions, progress and needs of education throughout the State and submit such report to the State Board of Education.....

(5) To issue, renew, validate, and revoke teachers' certificates under the standards and requirements as set forth by the State Board of Education..... (also see Sec. 15.3802)

Part II - continued (3)

(6) To meet the county superintendents in convention at least once each year and hold such other regional or district meetings of county superintendents as he deems desirable, and endeavor through discussion and explanation to secure and maintain a uniform and efficient administration of the school laws, and to promote the best interests of education.

(7) To examine high schools and elementary grades connected therewith either in person or through an assistant, and accredit the high schools to institutions of higher learning.

(8) Render written interpretation touching the construction or administration of the school law.....

(10) To attend personally or by representative to teachers' institutes in the several counties of the State insofar as is consistent with his other duties, to assist, by all means in his power, the county superintendents in the work of the county teachers' institutes, and to prescribe rules and regulations for holding such institutes. He may, if he deems proper, employ lecturers and instructors who may be paid from the moneys in the State institute fund; to assist in the work of the county teachers' institutes.....

(12) To perform such duties relative to the organization and reorganization of school districts.....

(14) To prepare and submit for the approval of the State Board of Education courses of study and to promote and administer the State course of study.

(15) To classify, approve, or accredit elementary, secondary, kindergarten, primary, and summer school education both public and non-public, under standards established by the State Board of Education.....

(17) Meet the superintendents of independent districts in convention at least once each year and hold such other regional or district meetings of such superintendents as he deems desirable, and endeavor through discussion and explanation to secure and maintain a uniform and efficient administration of the school laws and to promote the best interests of education.

(18) To publish, if he deems necessary, the laws relating to education with notes and comments for the guidance of those charged with educational responsibilities.

4. State Library Commission and Director of State Library Commission

Sec. 29.0303. Duties and powers of Commission and Director of the State Free Library Commission

(1) Make rules and regulations under which books, periodicals, documents, other library materials, and manuscripts may be used by the public.

(2) Ship books and pictures to public libraries, traveling libraries.

PART II - continued (4)

(6) To render upon request assistance to county and city superintendents of schools and to county and city school library boards in the selection of books and in the organization of school libraries.

(7) To render advice in establishing public libraries and recommend books and methods for conducting libraries.

5. Associated School Boards of South Dakota

Sec. 15.1908 creates the above board for the purpose of coordination of programs, exchange of ideas and procedure pertaining to policy making of the various school boards throughout the State. Any school board may become a member of the association by a majority vote of the individual board members (Sec. 15.1909).

6. South Dakota Education Association

Sec. 15.1907 provides that teachers may attend State and district meetings of the association. It is an association of State school teachers which meets for the purpose of discussing and exchanging views on education.

County Level

1. County Board of Education

Sec. 15.09A12. Powers and duties of the county board of education

(1) To consult and advise with the county superintendent of schools concerning matters relative to the school districts and schools of the county;

(2) To prepare minimum standards for school district organization in the county with the advice and recommendations of the State Board and the State Superintendent.....;

(6) May act in lieu of a school board of any school district within the county when such school district is unable to secure electors who reside within such district to serve on the school board.

Sec. 15.09A13. Unorganized county with one school board

The school board of an unorganized county independent or unorganized county common school district shall have, in addition to the rights, powers and duties of a County Board of Education, all of the rights, powers, and duties of either an independent or common school board.....

2. County Superintendent of Schools

Sec. 15.1003. Subject to the supervision of the Superintendent of Public Instruction the county superintendent of schools shall have general supervision of all schools in the county, and direct supervision of all schools in the common school districts in the county.

State: South Dakota

PART II - continued (5)

Sec. 15.1007. Powers of county superintendent

(2) Exercise a supervisory control over the acts and doings of the school board of any district under his supervision pertaining to the management and conduct of such schools by said board and of the maintenance and repair of buildings.....

(4) Require all teachers in schools under his direct supervision to attend all institutes and preschool meetings.....

Sec. 15.1008. Duties of county superintendent

(1) To visit each public...school in the county under his direct supervision as often as necessary and at least once each school year; to correct any deficiency in the government of the school.....or methods of instruction.....

(2) To make suggestions to district officers as to their duties pertaining to the schoolhouse; furniture; equipment, and grounds...

(7) To encourage teachers' institutes, and to labor in every practicable way to elevate the standard of teaching, urge the continued employment of successful and efficient teachers, and prevent by all proper means the employment of those who are incompetent and inefficient.....

(9) To conform at all times to the instructions of the Superintendent of Public Instruction as to all matters within the jurisdiction of the latter.....

(11) Apportion the money in the county treasury belonging to the county general school fund among the several school corporations within the county.....

(13) Serve as secretary to the county board of education and perform all duties as provided by law relative to the county board of education and the reorganization of school districts within the county.....

Sec. 15.1010. The county superintendent is authorized to conduct contests and exhibits in connection with the education program of the public schools under his direct supervision.

Sec. 15.1801 gives county superintendent the power to use county library fund for the purchase of books, audio-visual equipment and supplies for county library for common school districts.

3. County Textbook Committee

Sec. 15.1701. The county superintendent of schools, the county auditor, a common school board member, and two common school district teachers (the board member and the teachers being elected at the annual convention of county school board members) shall constitute a county textbook committee for the purpose of selecting and adopting all of the textbooks needed for use in the common schools of the county...the committee may also purchase such supplies and equipment it deems advisable for resale to the schools within the county.

PART II - continued (6)

Sec. 15.1710. The Textbook Committee has power to declare textbooks obsolete which have been replaced by other textbooks.

4. County Institute

Sec. 15.1901 provides that the county superintendent shall hold one two-day instructional institute and not less than two nor more than four one-day instructional institutes for the teachers of the county. All teachers employed to teach in the common school districts shall be required to attend, and all teachers employed to teach in independent school districts may attend if so directed by their school boards.

Such institutes may be held with adjacent counties. These are called joint institutes (Sec. 15.1903).

5. School board members' convention

Sec. 15.1904. The county superintendent shall call an annual school board members' convention each fiscal year and may call additional conventions throughout the year;at the annual convention the school board members shall select the county textbook committee.....and at this convention or additional ones that may be called they shall consider questions intended to promote the school interests of the county.

Local Level

1. School District Boards

(a) In general - Sec. 15.2301 - purpose of local board is to organize, maintain and conviently locate schools for the education of all children of school age within a school district.

As provided and limited by law, the school board shall have general charge, direction, and management of the schools of the district and control and care of all property belonging to it and shall have power to levy taxes (Sec. 15.2208), borrow money (Secs. 15.2216 and 15.2217), employ any necessary personnel (Sec. 15.3801), carry insurance, purchase all necessary books and equipment and purchase real property and erect necessary buildings for the operation of such schools (See Secs. 15.2101 to 15.2106).

Local boards may also contract with federal agencies to provide for the education of children of legal school age within their respective districts (Sec.15.2234).

Sec. 15.2115 provides that a school district may sell its property: land, structures, supplies, equipment or other property.

Sec. 15.2116 provides that school boards are authorized and empowered to transfer and exchange property between school districts and municipalities or organized townships.

State: South Dakota

PART II - continued (7)

Sec. 15.2117 provides that a school board may rent or grant the use of school facilities or of any land belonging to the school district for any purpose it may deem advisable.....

Sec. 15.2119. Each school board shall provide such other equipment, reference books, and other facilities as shall be recommended by the State Board of Education.

Sec. 15.2233 provides that the school board has the power to accept gifts, grants, devises and bequests of property.

(b) Common school districts

Sec. 15.3015. The school board of a common school district shall have the power to establish and discontinue elementary schools except as limited by law. The electors of the common school district shall have the exclusive power to establish a high school and may bind the school board at their discretion on establishing or discontinuing elementary schools.

(c) Independent school districts

Sec. 15.1707. Textbooks. The school board of every independent school district may either adopt and purchase their own textbooks for their district or may purchase textbooks adopted by the county textbook committee and purchase through the county textbook revolving fund. Any independent district may also purchase any supplies and equipment which the county has purchased for resale through the county textbook revolving fund.

Sec. 15.1802. Libraries. The school board of an independent school district shall purchase library books and audio-visual equipment in order to make available an independent school district library.....

Sec. 15.3016. The school board of an independent school district shall have the power to establish and discontinue high schools and the exclusive power to establish and discontinue elementary schools, except as limited by law. The electors of said school district shall have the power to direct the school board to either establish or discontinue a high school by holding a special election.

2. School Officers

(a) In general - Sec. 15.3020 - Superintendents, principals, supervisors, and teachers shall have supervisory control over all students whether in or outside of school buildings.....

(b) Common school districts - Sec. 15.2331 - provides that board members shall perform duties prescribed by law.

(c) Independent school districts - Sec. 15.2332 - provides that board members shall perform duties prescribed by law.

State: South Dakota

Source of information unless otherwise stated: The School Laws of the State of South Dakota, 1961, and Policies, Minimum Standards, Regulations for Accreditation of Secondary Schools, State of South Dakota, July 1, 1960.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

15.1801 County library fund: county library for common school districts.........The county superintendent shall use the county library fund for the purchase or rental of library books or audio-visual equipment and supplies and to make a county library available to all the schools in the common school districts of the said superintendent's county.

15.1802 Independent school district library: duty of school board. The school board of an independent school district shall annually spend an amount from the general fund to adequately provide library books and audio-visual equipment in order to make available an independent school district library to all of the schools in said district. Said amount spent each year shall never be less than fifty cents per capita for each person of legal school age with school residence within said district.

15.1803 Regulations in making and maintaining school libraries. In making available and in maintaining the school libraries provided in this chapter, the county superintendent and the independent school board shall be subject to the following regulations:

1. All books or audio-visual films for purchase or rental shall be selected from lists prepared by or approved by the director of the state library;

2. Anyone who sells library books or audio-visual films as provided herein shall certify over his signature upon the bill for such purchase that they have been approved for such purchase as herein provided by law;

3. The county or independent school district library shall be maintained and operated according to the standards and regulations of the director of the state library;

4. Provided, however, that twenty-five per cent of the county library fund for common school districts may be spent for such library purposes as the county superintendent shall deem advisable.

State: South Dakota

PART III - continued (2)

The following is found on page 32 of Policies, Minimum Standards and Regulations for Accreditation of Secondary Schools:

Regulations Concerning the School Library

(These are the standards and regulations as established by the director of the state library as provided in subsection 3 of section 3 of subchapter 6 of chapter 41 of the Session Laws of 1955.)(SDC 1960 Supp. 15. 1803)

1. The School Library

   a. The school library shall be organized as a resource center of instructional material for the entire educational program. The number and kind of library and reference books, periodicals, newspapers, pamphlets, information files, audio-visual materials, and other learning aids shall be adequate for the number of pupils and the needs of instruction in all courses.

2. Standards

   f. Expenditures

   The library shall be provided with an adequate collection of books after the library is once supplied with a minimum collection, the annual expenditure for books and magazines exclusive of encyclopedias, textbooks, and audio-visual materials shall be $2.50 per pupil for the first 200 pupils, but not less than $300; $1.50 per pupil for the next 300 pupils and $.75 per pupil for each pupil above 500 enrolled....

Sec. 29.0303 - Duties and powers of Commission and Director of the State Free Library Commission.

(3) To arrange, in suitable packages for shipment, properly selected and classified collection of books, and pictures, secured through purchase or gift, to be loaned to public libraries, traveling association, etc......

State: South Dakota

Source of information unless otherwise stated: The School Laws of the State of South Dakota, 1961, Sioux Falls, Midwest-Beach Company; also, Bulletin 21C, Policies, Minimum Standards, Regulations for Accreditation of Secondary Schools, 1960, South Dakota Department of Public Instruction, Pierre, South Dakota.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Generally see powers, Part II - cited in Topic 4.
29.0303

Yes 3. Preparing curricula

15.0803(8); 15.0904(14); 15.3101;
Bulletin 21C p. 24 and 28. supra.

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

General powers 15.0803; 15.0904; 15.09A12; 15.1008;
15.2301; 29.0303

Yes 5. Organizing AV units and cooperative activities

Generally see powers, Part II - cited in Topic 4.

Yes 6. Conferring on AV use outside of State educational structure

15.1907; 15.1908

State: South Dakota

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

Generally see powers, Part II - cited in Topic 4.

Yes 8. Selecting textbooks (and observing academic freedom)

15.1701; 15.1707; 15.1708; 15.1710

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

15.1701; 15.1707; 15.1801; 15.1802; 15.2301;
15.2105; 15.2119

Yes 10. Financing acquisition by rent or purchase

15.2101; 15.2115; 15.2117

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Generally see powers, Part II - cited in Topic 4
15.0905; 15.1007(3)

Yes 12. Distributing AV aids

Generally see powers, Part II - cited in Topic 4
29.0303(3)

Yes 13. Producing AV aids

Generally see powers, Part II - cited in Topic 4.

Yes 14. Certificating teachers and AV professionals

15.0803(7); 15.0905(5); 15.3802

Yes 15. Prescribing qualifications of using personnel

15.0803(7); 15.3802; Bulletin 21C, p. 18-24, supra.

State: South Dakota

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

15.0802(4); 15.0905(7); Bulletin 21C, p. 13-16, supra.

Yes 17. Building or remodeling schools to facilitate AV use

15.0803(9); 15.1007(2); 15.2105; 15.2110; 15.2301

Yes 18. Federal aid to schools

15.0806

Yes 19. State aid to schools

15.1601; 15.1602; 15.1603; 15.2201; 15.2208;
12.2209; 15.2211; 15.2401; 15.2402

Yes 20. Private aid to schools

15.2233; 15.2246; 29.0303(1)

Yes 21. Library programs

15.1801; 15.1802; 15.1803; 29.0303;
Bulletin 21C, p. 32-37, supra.

Yes 22. Research programs

Generally see powers, Part II -cited in Topic 4.

Yes 23. Institutes

15.0905(10; 15.1901; 15.1905

Yes 24. Other established procedures

15.1904; 15.1907; 15.1908

State: South Dakota

PART IV - continued (4)

Topic 2 - Planning the Use of AV Aids

Sec. 29.0303 gives to the library commission the power to make rules and regulations under which library materials may be used. Library materials such as books, pictures and audio-visual equipment.

Under general powers described in Part II of this report, the State Board of Education, Secs. 15.0803 and 15.3101, and the State Superintendent of Public Instruction, Sec. 15.0905, have the power to plan the educational program.

Topic 3 - Preparing curricula

Sec. 15.0803(8) gives to the State Board of Education the power to prescribe and establish a State course of study and approve all fields of instruction which may be given in the schools of the State.

Sec. 15.0904(14) - it is the duty of the Superintendent of Public Instruction, subject to approval by the State Board of Education, to prepare courses of study and to promote and administer the State courses of study.

Sec. 15.3101 provides that instruction shall be given in all the public schools in the State in substantial conformity to the required curriculum as prescribed by the State Board of Education in the State course of study. Additional instruction may be given in the fields which are approved by the State Board of Education.

"Bulletin No. 21C, Policies, Minimum Standards, Regulations for Accreditation of Secondary Schools", 1960, published by the Department of Public Instruction, at page 24, sets out a program of studies for the junion high school. It includes the required courses as well as the suggested courses. On page 28, the above bulletin prescribes a curriculum for senior high school: minimum requirements for graduation.

Topic 4 - Advising on use of AV aids

The general powers given to the State Board of Education in Sec. 15.0803, to the State Superintendent of Public Instruction in Sec. 15.0904, to the Library Commission in Sec. 29.0303, to the County Board of Education in Sec. 15.09A12, to the County Superintendent in Sec. 15.1008 and the School District Board in Sec. 15.2301, provide adequate general authority to advise subordinate units and teachers on use of AV aids.

Topic 5 - Organizing AV units

See general powers cited in Topic 4.

Topic 6 - Conferring on AV use outside of State educational structure

The South Dakota Educational Association discussed in Sec. 15.1907, whose membership is optional for teachers, and the Associated School Boards of South Dakota established by Sec. 15.1908, membership in which is optional for the various school boards throughout the State, would seem to provide an excellent place for the discussion and promotion of the use of AV equipment in the schools of South Dakota. (See Part II)

PART IV - continued (5)

Topic 7 - Selecting AV aids

See general powers cited in Topic 4.

Topic 8 - Selecting textbooks

Generally the County Textbook Committee established by Sec. 15.1701 and elected by the school boards members' convention has the authority and duty of selecting the proper textbooks for use in common school districts. Sec. 15.1707 provides that the school board of an independent district may adopt and purchase their own textbooks or may purchase those adopted by the County Textbook Committee. Sec. 15.1708 gives the State Board of Education the power and authority to review textbooks or other instructional material and withdraw them from circulation in the schools if found undesirable for use. Sex. 15.1710 gives to the County Textbook Committee the power to declare textbooks obsolete which have been replaced by other textbooks.

Topic 9 - Acquiring AV aids and school supplies, equipment, and textbooks

Sec. 15.1701 provides that the County Textbook Committee may purchase such supplies and equipment it deems advisable for resale to the schools within the county. Sec. 15.1707 gives the independent school district a like power.

Sec. 15.1801 gives to the county superintendent the authority to purchase library books, AV equipment and supplies..... Sec. 15.1802 gives a like power to the independent school district.

Sec. 15.2301 provides that the school board shall have the power to purchase all necessary books and equipment and purchase real property.....

Sec. 15.2105, cited in Part II, gives the local school board the power to acquire school facilities.

Sec. 15.2119 - Each school board shall provide such other equipment, reference books, and other facilities as shall be recommended by the State Board of Education.

Topic 10 - Financing acquisition by rent or purchase

Sec. 15.2101 gives school boards authority to purchase or lease land for school purposes. Sec. 15.2115 provides that any school district which has property which it no longer needs may sell said property upon approval of school board. Sec. 15.2117 provides that a school board may rent or grant the use of school facilities for any purpose it may deem to be advisable as a community service.

Topic 11 - Regulating use of AV aids, etc.

See general powers cited in Topic 4; also Sec. 15.1007(3). This section gives the county superintendent the power to require the officers of the districts under his supervision to submit to him annual personnel and financial reports. Sec. 15.0905 gives State Superintendent of Public Instruction the authority to prescribe a uniform system for the gathering and reporting of data, and the keeping of educational reports.....

State: South Dakota

PART IV - continued (6)

Topic 12 - Distributing AV aids

See general powers cited in Topic 4.

Specifically Sec. 29.0303 provides that the library commission has the power to ship properly classified books, pictures.....

Topic 13 - Producing AV aids

See general powers cited in Topic 4.

Topic 14 - Certificating teachers and AV professionals

Generally, the State Board of Education has the authority to set the standards for issuing a teacher's certificate, Sec. 15.0803(7) and the Superintendent of Public Instruction has the authority to issue said certificates, Sec. 15.0905(5).

Sec. 15.3802 sets out specifically that a certificate is required to teach. It also states general powers set forth in above paragraph.

Topic 15 - Prescribing qualifications of using personnel

Sec. 15.0803(7) and Sec. 15.3802 provide that the State Board of Education shall have full authority to determine and prescribe standards and requirements for different types of certificates authorizing the holder to teach or administer in certain specified schools or fields. The State Board also has power to prescribe the method of reinstatement or renewal of certificates.

See pages 18 to 24 of "Bulletin No. 21C, Policies, Minimum Standards, Regulations for Accreditation of Secondary Schools, 1960" for regulations concerning the administrative and instructional staff of secondary schools. (No regulations relating to AV.)

Topic 16 - Accrediting schools

Sec. 15.0803(4) provides that the State Board of Education shall establish standards for classifying, approving and accrediting.....schools. Sec. 15.0905(7) gives to the State Superintendent of Public Instruction the duty to examine high schools and elementary grades connected therewith ....., and accredit the high schools to institutions of higher learning.

"Bulletin No. 21C, Policies, Minimum Standards, Regulations for Accreditation of Secondary Schools, 1960", published by the Department of Public Instruction of South Dakota, on pages 13 through 18, sets out the general policies for the accreditation of secondary schools. It states the requirements for a first-class and a second-class accredited school. (No reference to AV.)

Topic 17 - Building or remodeling schools to facilitate AV use

Generally the State Board of Education may suggest standards for approving the building plans of all school buildings, the equipment of such buildings and school building sites, Sec. 15.0803(9).

Sec. 15.1007(2) gives the county superintendent the power to supervise the acts and doings of the school board in the maintenance and repair of school buildings within his county.

Sec. 15.2105 gives the school boards of the various districts the power to erect.....equip and move school houses..... Also see Sec. 15.2301.

Sec. 15.2110 provides that all plans and specifications for the erection and the remodeling of school buildings and all sites for said buildings in all school districts shall be submitted to the State Superintendent of Public Instruction for examination and approval.....

Topic 18 - Federal aid to schools

Sec. 15.0806 provides that the State Board of Education is authorized to enter into contracts with any agency of the United States government for the purpose of education....., to receive grants of federal funds for this purpose, and to expend such funds under such rules and regulations as the State Board of Education may establish.

Topic 19 - State aid to schools

Sec. 15.2246 provides for a foundation program. It creates a foundation program fund which shall consist of money appropriated to, or designated to said fund by law, gift or grant from whatever source, including any funds appropriated by the Federal Congress for purposes of equalizing school opportunity.....Distribution of the fund is determined by the number of classroom units in the various school districts. Classroom units are determined by a census count, Sec. 15.1601 and 15.1602.

Sec. 15.1603 states that the county school fund consists of the money received from the income of the permanent school fund of the State, as apportioned to the several counties by the Commissioner of School and Public Lands, the money derived from the tax levy of one dollar on each elector in the county, and the net proceeds of all fines for violation of State laws.

This fund is to be paid out to the various districts of the county on order of the county superintendent after said superintendent has received the annual school census from each school district and it has been verified for accuracy, Sec. 15.1601.

Sec. 15.2201 defines what district school funds are. They are all moneys received by the school district or schools within said district or as a result of an activity carried on by the said school. These funds consist of taxes; income from school property; school district borrowing through bonds or promissory notes; funds received from federal State or other political subdivisions (county); funds received from individuals or organizations through paid admissions; payments for materials or services, gifts, or trusts; funds received from fines and penalties; and any other funds received by the school district or schools from any other source. (See school district finance, Chapter 15.22).

Sec. 15.2208 provides that the school board of the various districts must prepare and approve a budget for the anticipated obligations of each fund for the school fiscal year. The school board shall adopt a levy in dollars sufficient to meet the school budget. It shall then be the duty of the district clerk to report such levy to the county auditor who shall spread a levy in mills over the taxable property of the school district sufficient to raise the money requested.

Sec. 15.2209 provides that county treasurer shall transfer all money belonging to each district to the separate account of each district. Sec. 15.2211 provides that the clerk of the district shall issue warrants for payment of money out of this fund when ordered to do so by the school board.

Sec. 15.2401 creates a county elementary school equalization fund. Its purpose is to maintain a foundation program of elementary education in all school districts within the county which do not operate a high school including unorganized territory areas except unorganized county school districts. This fund aids in the cost of elementary school operation.

The county superintendent shall estimate the cost of these school districts without a high school. The county commissioners shall levy a special tax of 50% of the estimate on the territory involved, Sec. 15.2402.

Topic 20 - Private Aid to Schools

Sec. 15.2233 provides that every school district is empowered to accept, own, manage and dispose of any grant, gift, devise, or bequest of money, or real or personal property; and the school board of such school district shall have power to enter into such agreement for the receipt thereof upon such terms as shall be to the best interest of all parties and to make such rules and regulations as it may deem best for the ownership, management, and control of such property.

Sec. 15.2246 empowers the State government to accept gifts or grants for the purpose of supplying the State school foundation program with needed capital.

Sec. 29.0202(1) empowers the State Library Commission to accept gifts of books, other library materials, money or property for the use of the Library Commission.

PART IV - continued (9)

Topic 21 - Library programs

Chapter 29.03 creates a State library. Sec. 29.0303 establishes the power and duty of the State Library Commission and its director. (See Part II.)

Chapter 15.18 creates a library system on the local level. The relevant sections, 15.1801, 15.1802 and 15.1803, are set out in Part III.

"Bulletin No. 21C, Policies, Minimum Standards, Regulations for Accreditation of Secondary Schools, 1960", sets out on pages 32 to 37 regulations concerning the school library. These regulations were established by the director of the State library. Selected portions of these regulations are set out in Part III.

Topic 22 - Research programs

See general powers cited in Topic 4.

Topic 23 - Institutes

Chapter 15.19 establishes the use of teachers' institutes. Sec. 15.1901 provides for a county institute. This is discussed in Part II.

Sec. 15.0905(10) provides that the State Superintendent shall attend either in person or by representative all teachers' institutes and that he shall aid the county superintendent in the work of said institute.

Sec. 15.1905 provides for a county institute fund to pay for services rendered and expenses incurred in connection with the institutes.

Topic 24 - Other established procedures

The other established procedures of significance are: the school board members' convention, Sec. 15.1904; the South Dakota Education Association, Sec. 15.1907, and the Associated School Boards, Sec. 15.1908. These organizations were discussed in Part II and in Part IV, Topic 6.

TENNESSEE (1959-60)

Enrollment in full-time public schools:	
Elementary	628,562
High School	181,738
Number of school districts (including non-operating)	153
Number of elementary schools	2,507
Number of high schools (including junior high)	525
Expenditure per pupil in average daily attendance	$238

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

TENNESSEE

County and Independent School Superintendencies

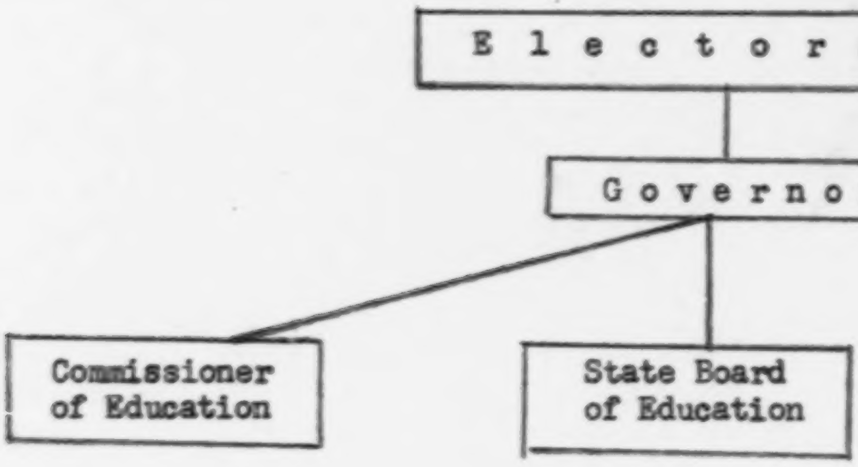
There are 153 school superintendencies in the State: 55 complete county-unit superintendencies, 40 partial county-unit superintendencies, and 58 independent city or town superintendencies located within the 40 partial county-unit counties.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 174.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 139-141.

TENNESSEE

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools.....

State Board of Education.--Composed of 11 members including the governor, the commissioner of education as chairman, and 9 bona fide residents of the State appointed by the governor for 6-year overlapping terms. There are 3 appointive members from each grand division, and 3 represent each of the 2 leading political parties....

The State board of education's responsibility is chiefly limited to State colleges and State schools. The commissioner of education is primarily responsible for both policy-making and executive functions with respect to local school districts.

b. Supplementary programs

Advisory Council on Teacher Education and Certification.--The State board of education appoints an advisory council on teacher education and certification which makes a continuous study of problems involved and which renders advice and assistance to the State board of education in connection with teacher education and certification.

Commission on Building Educational Facilities (administrative).--Composed of 3 members--the governor as chairman, the commissioner of education as secretary, and the attorney general and reporter as the third member. This commission was created to carry out provisions of the act authorizing funds with which to acquire sites, to construct, equip and furnish additional buildings and facilities for the use of the department of education and its agencies, and to make necessary repairs, replacements, additions and betterments to existing buildings.

State Textbook Commission (administrative).--Composed of 7 members, the commissioner of education as ex officio secretary and 6 persons appointed by the governor for 3-year overlapping terms. They are educators actually working in the State whose educational qualifications include not less than graduation from a 4-year college with a bachelor's degree and at least 5 years of teaching, supervisory, or administrative experience. One member is a county superintendent of schools, 1 a city superintendent of schools, 1 a school principal, 1 a teacher or supervisor in the lower grades (1 to 3), 1 a teacher or supervisor of upper grade subjects. There is at least 1 member from East Tennessee, 1 from Middle Tennessee and 1 from West Tennessee. The textbook commission has authority to adopt texts, to establish minimum manufacturing standards, to make contracts with publishers, and to formulate regulations governing distribution of texts.

3. Chief State School Officer

The commissioner of education is appointed by the governor for a 2-year term. He must be a person of literary and scientific attainments and of skill and experience in school administration. He must also be qualified to teach in the school of the highest standing over which he has authority. The commissioner is ex officio chairman and member of the State board of education and head of the State department of education.

7. Coordination of the State Education System Through Structure

Two agencies, the commissioner of education and the State board of education, share the responsibility for the coordination of the State program of public school education in grades 1 through 12.....

8. Coordination of the State Education System Through Ex Officio Memberships

The governor serves ex officio on the following boards and commissions: the State board of education, ... and the commission on building educational facilities.

The commissioner of education serves ex officio on the State board of education......the board of examiners of teachers, and the commission on building educational facilities.

9. Fiscal Coordination

The three State educational agents or agencies which present budgets to the governor are the commissioner of education, the State board of education.....

The Tennessee statutes provide that the governor, with the assistance of the director of the budget, shall review the estimates and shall alter, revise, increase, or decrease the items as he deems necessary in view of the needs of the various spending agencies and the total anticipated revenues of the State government during the ensuing biennium. The director of the budget, at the instance of the governor, then prepares a budget document in the form required by the provisions of the budget legislation, and the governor transmits the document in printed form to the general assembly not later than January 14.

State: **Tennessee**

Source of information unless otherwise stated: **Public School Laws of Tennessee, compiled by Commissioner of Education 1954 (sections in parenthesis from Williams Tennessee Code), and Public School Laws of Tennessee, 1955, 1957, 1959, 1961, compiled by State Department of Education from Public Acts.**

PART I

Educational Organization

State level:

Department of Education: called **Department of Education**

how organized: **in divisions for elementary schools, high schools, certification, vocational education, vocational rehabilitation, Sec. 12 (2308)**

established by: **Sec. 1 (255.1)**

is it a body corporate: **no**

State Board of Education: called **State Board of Education**

established by: **Sec. 11 (2307), Sec. 26 (2315)**

is it a body corporate: **no**

composition: **governor, commissioner of education as chairman, and 9 members, bipartisan, and from 3 areas, Sec. 26 (2315)**

how selected: **appointed by governor, *ibid*.**

is confirmation necessary: **no**

subject to what control: **---**

to whom reporting: **Commissioner of Education, as chairman and through him to governor, Sec. 27 (2316)**

term of office: **6 years, Sec. 26 (2315)**

meetings: **quarterly, and as called especially, *ibid*.**

Chief state school officer: called **Commissioner of Education**

office established by: **Sec. 30 (2310)**

how selected: **appointed by governor, Sec. 22 (255.2)**

is confirmation necessary: **no**

subject to what control: **governor (serves at pleasure of -) sec. 22 (255.2)**

to whom reporting: **governor, Sec. 24 (2314)**

term of office: **concurrent with that of governor, Sec. 22 (255.2)**

staff and who appoints: **Department of Education; all officials appointed by him, subject to approval of governor, Sec. 24 (2314)**

Other organization or official: called **State Textbook Commission**

State: Tennessee

PART I

State level: (continued)

State Textbook Commission

established by: Sec. 298 (2453.28)

is it a body corporate: no

composition: State Commissioner of Education and 6 other members, *ibid.*

how selected: appointed by governor, *ibid.*

is confirmation necessary: no

subject to what control: --

to whom reporting: --

term of office: 3 years

State: **Tennessee**

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called **County**

how organized: —

composition: —

is it a body corporate: —

Board of education, if any: called **County Board of Education**

established by: **Sec. 32 (2317)**

is it a body corporate: **apparently not**

composition: **7 members, *ibid.***

how selected: **elected by county court, *ibid.* or by popular election, Public Acts 1961, ch. 262**

is confirmation necessary: **no**

subject to what control: **quarterly county court, Sec. 91 (2346)**

to whom reporting: **through county supt. to county quarterly court, Sec. 91 (2346) on finances**

term of office: **2, 4, or 6 years under new law and thereafter 6 years, Public Acts 1961, ch. 262**

meetings: **quarterly and as called, Sec. 35 (2320)**

Administrative officer of unit; called **County Supt. of Public Instruction**

office established by: **Sec. 11 (2307), Sec. 38 (2320b)**

how selected: **elected by quarterly county court or by popular election, Sec. 38 (2320b)**

is confirmation necessary: **no**

subject to what control: —

to whom reporting: **county board, St. Commissioner of Education, county trustees (attendance & fiscal matters), Sec. 42(2324)**

term of office: **4 years, Sec. 38 (2320b)**

staff and who appoints: **one or more supervisors, Sec. 59 (2334)**

Executive Committee of board, Sec. 46 (2327) composed of chairman of County Board and County Superintendent

County trustee: (officer of county) Sec. 96 (2348)

Quarterly County Court, Secs. 91 (2346) through 95 (2524) with power to appt. County Bd. & County Supt., levy taxes, issue bonds.

State: Tennessee

PART I

Educational Organization (continued)

Local level or independent (these are under county unit system)

Organizational unit: called elementary schools,
Sec. 118(2376) through Sec. 123(2383)
high schools,
Sec. 124(2393.1) through Sec. 139(2393.16)

how organized:

composition:

is it a body corporate:

Board of education: called County Board

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called County Superintendent

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Tennessee

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called city school district and special school district, Sec. 170(2394)

how organized: according to organic charter of city or town, ibid.

composition: ditto

is it a body corporate: no

Board of education: called town or city board of education

established by: as provided by town or city

is it a body corporate: see Secs. 170 (2394) and 171(2395)

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called City Supt. or secretary of town

office established by: as provided by city or town, see Sec. 171 (2395)

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: **Tennessee**

PART I

Educational Organization (continued)

Schools

Principals **under county unit system**

appointed by: **County board on recommendation of County Supt., Sec. 42 (2324) sub (10)**

qualifications: **certification, Sec. 112 (2365.6)**

term of office: **permanent or limited tenure, Tennessee Statutes Annotated 49-1402**

Teachers **under county unit system**

appointed by: **County board on recommendation of County Supt., Sec. 42 (2324) sub (10).**

qualifications: **under rules of State Bd. of Education, Sec. 111 (2365.5)**

certification: **Sec. 106(2351), Sec. 111 (2365.5)**

tenure: **permanent or limited tenure, Tennessee Statutes Annotated 49-1402**

special assignments: **by county supt., Sec. 42 (2324), sub (12).**

State: Tennessee

Source of information unless otherwise stated: *Public School Laws of Tennessee*, compiled by Commissioner of Education 1954 (sections in parenthesis from *Williams Tennessee Code*), and *Public School Laws of Tennessee*, 1955, 1957, 1959, 1961, compiled by State Department of Education from Public Acts.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

The organization of the educational system in Tennessee shows greater emphasis on executive control rather than "legislative" board control, relatively more power at the State level than at the local operating level, and relatively greater power in the commissioner of education than in many other States. The county unit system is used extensively, but cities and towns as a rule maintain their own school districts independent of the county in which they are located. Legislation is not so extensive as in some States, particularly that relating to activities at the operational level. In each session of the legislature, however, numerous amendments are made to the Public School Laws of 1954 and oftentimes a whole series of new sections is added to replace old ones, which are repealed. The biennial additions to the Public School Laws must therefore be consulted along with the basic "code" of 1954.

References are to sections in the Public School Laws of Tennessee published by the State Department of Education in 1954. These sections carry a parallel reference to corresponding sections in *Williams Tennessee Code*. Amendments are cited by chapter number of Public Acts for the year indicated. Internal references in some of this new legislation, however, is to sections of *Tennessee Statutes Annotated*, in which the system of numbering used is entirely different from that used in *Public School Laws of 1954* or in *Williams Tennessee Code* keyed to it. This multiplicity of references is very confusing and makes it difficult to coordinate related material appearing in the several publications consulted. But unfortunately no other publications were conveniently available, and the citations as given should indicate the source clearly.

Section 11 of the 1954 Laws (2307 of Williams Tennessee Code) reads as follows:

> "The system of education shall be administered by (1) the commissioner of education, (2) the State board of education, (3) the county superintendents, (4) the county and city boards of education."

State: Tennessee

PART II - continued (2)

State Level - Commissioner of Education

Under Section 20 (2310) the commissioner of education is the chief executive officer of the department of education. He is appointed by the governor, Section 22 (255.2), is a member of the cabinet or advisory staff to the governor, Section 3 (255.4) and appoints such officers, assistants, and employees as may be necessary to carry on the work of his department, from a list of eligibles furnished by the department of personnel at the State level, Section 4 (255.6). Like other members of the "cabinet" the commissioner of education meets with the governor once a month or oftener to discuss administrative work, budgetary requirements and other matters, Section 3 (255.4), and is required to submit annually to the governor a detailed report of the activities of his department, Section 7 (255.9). Under Section 23 (2313) all offices of the department of education and all divisions thereof are under the direction and control of the commissioner of education. Under Section 24 (255.60) the State board of education, which is ex officio, the board of vocational education, and also the board of examiners of teachers, shall be associated with the department of education for purposes of administration, and the commissioner of education shall be the chairman of said board.

Under Section 24 (2314) the commissioner of education, unlike his counterpart in most States, is a member and chairman of the State board of education and has a vote on all questions coming before the board. This section enumerates various duties, some of which are as follows:

1. To appoint all heads and subordinates in the department and divisions thereof, subject to the governor's approval.

2. To collect and publish statistics and information on the public school system.

3. To make tours of inspection among the various public schools and to direct supervision of them through divisions of the department of education.

4. To require all teachers to attend county institutes or educational meetings called by the county superintendents.

5. To see that the school laws and regulations of the State board are observed.

6. To prepare and distribute blank forms for various reports required of teachers, boards of education, county superintendents, county trustees, and all other State, county and city officers.

8. To require all State, county, and city public school officers and heads of various educational institutions to file detailed annual reports and other reports.

State: Tennessee

PART II - continued (3)

9. To appoint someone to make such reports in case the appropriate official is delinquent in doing so.

13. To submit annually to the governor his own report with full details concerning all aspects of school activities.

18. To supervise county high schools.

20. To administer the funds appropriated for school libraries.

22. To recommend courses of study for rural elementary schools and rules and regulations for their standardization , subject to the approval of the State board of education.

The theme of central control and standardization runs through all of the legislation concerning schools, and it is repeated each year in legislation to provide funds for support of schools. This, incidentally, in addition to providing necessary funds for schools, also contains extensive provisions both on substance and procedure.

Public Acts of 1961, Chapter V, contains numerous examples, two of which are particularly pertinent here. Section 21 of that Act provides that the State commissioner of education is authorized to withhold minimum foundation school program funds, and certain other funds, "from any county, city, or special school district system which has within such school system a school which does not meet the requirements of the State board of education for an approved school." Section 24 of that Act makes certain funds available for (1) an in-service training program for school personnel, (2) the upgrading of professional personnel in the department of education, and (3) the development of an experimental plan for granting a salary supplement to superior teachers in public schools. These funds are to be expended by the State commissioner of education for such items as he may deem necessary in order to effectuate the programs. The section further provides that "all agencies, bureaus, and departments contributing to the in-service training of school personnel and/or participating in the program of public education in any manner shall channel their efforts through the office of the State Commissioner of Education."

A practical means of coordination and standardization is found in Section 56 (2331) of the Public School Laws of 1954, which authorizes the commissioner of education to employ two supervisors of elementary schools, working under his general direction. Section 58 (2333) authorizes these supervisors to inspect records of county boards, school accounts of county trustees, and the administration of rural schools, and to make recommendations to the commissioner on all of these subjects.

PART II - continued (4)

A very useful provision for coordination is found in Section 54 (2330.3) of the Public School Laws of 1954. It provides that the State commissioner of education, the State department of education, the State board of education, and the boards of education of counties, cities, and special school districts are authorized and empowered to cooperate with the Tennessee school boards association in its in-training programs for school board members and in encouraging and fostering cooperation among school boards of Tennessee. Membership dues and travel expenses of school board members and superintendents may be paid for as other expenses are paid by boards of education. And the various boards are authorized to use the association in coordinating "the policies, control and management of the schools under their respective jurisdictions". This association therefore appears to be an integral part of the educational organization of the State. While it is far removed from the loose structure and a kind of laissez faire tone in some other State educational organizations, it appears to be well conceived to promote cooperation among boards and a training program for their members not always adequately provided for in many other States.

State Level - State Board of Education

As might be expected in this kind of educational structure, the statutes contain fewer provisions concerning the power and duties of the State board of education. Section 27 (2316) of the Public School Laws of 1954, entitled Duties of Board Specified, relates principally to activities not immediately connected with the elementary or secondary public schools. Several subsections relate to State teacher colleges and special schools such as those for industrial training, the blind, the deaf, and vocational education, to reports concerning those institutions and their budgets and to donations made for the benefit of such institutions. Subsection 4 requires the Board to select lists of books for school libraries and to provide for their purchase.

Section 28 (2316a) of the Public School Laws of 1954 is more characteristic in its general terms. It imposes upon the board the duty of prescribing rules and regulations for the approval and classification of all public schools, making regulations for their government, prescribing curricula and approving courses of study adopted by local county, city and special school district boards of education upon recommendation of the superintendents of schools, if they meet the general regulations established by the State board.

Section 29 (2365.5) of the Public School Laws of 1954 confers upon the board complete jurisdiction over the issuance and administration of certificates for county superintendents, supervisors, principals and public school teachers, grades 1 through 12, and requires that such certificates shall be uniform for all the counties in the State.

PART II - continued (5)

A few special powers are granted in other sections and some provisions state that action of the State commissioner of education or of other officials shall be subject to the approval of the State board of education. It is clear, however, that the function and powers of the State board of education in Tennessee are not as extensive as they are in many other States.

State Level - State Textbook Commission

Sec. 298 (2453.28) of the Public School Laws of 1954 provides for a State Textbook Commission of seven members, of whom the State commissioner of education is ex officio a voting member and secretary, and the remaining six of whom are appointed on a regional and representative basis by the Governor for a term of three years, with staggered tenure. Pursuant to Sec. 302 (2453.32) the Commission prepares and publishes each year a list of approved standard editions of textbooks for use in the public schools of the State. A list of at least four books in each subject or grade is prepared, if the textbooks are available and approved. Pursuant to Sec. 303 (2453.33) the county, city, and special school district boards of education are authorized and required to adopt textbooks for use in their schools from the list prepared by the State Textbook Commission. In other sections detailed procedures are provided for obtaining samples of books, bids from publishers executing contracts and similar matters.

An interesting regulation, somewhat related, is found in the 1961-1963 Rules, Regulations, and Minimum Standards, issued by the State board of education. Under the topic "Minimum Requirements for the Approval of Public Schools", Requirement F, Curriculum Framework, 1, State and Local..., the following regulation appears:

> "d. Pending the completion of courses of study approved by local and State boards of education, textbooks and approved course-of-study outlines adopted for instructional areas and grade levels concerned shall constitute the official instructional guide. This requirement will not preclude the experimental use of tentative course-of-study materials." (page 39 op. cit.)

Intermediate and Local Levels - County Board of Education

Under the county unit system in Tennessee the county board of education might seem to be at the intermediate level, as it is in some States, but actually it is at the operating level and it does not enjoy some of the powers with which even some small local boards are invested in some States. For instance it is not a body corporate, nor does it act as a group of corporate officers of an incorporated school district, as in some States. The board does not have power to assess taxes or to issue bonds as in some States. Taxes are assessed and bonds are issued by other county officials, as described below, and the corporate character of the county, as a political unit, apparently extends to some matters entrusted in some States to separate school districts or their corresponding boards of education. The county superintendent, on the other hand, has correspondingly greater powers than some of his counterparts in other States, particularly since there are no local boards or superintendents below him.

The county board holds regular meetings quarterly during the school year, but may also hold special meetings, Sec. 35 (2320). Under Sec. 46 (2327) the chairman of the county board presides, of course, at all meetings, appoints committees authorized by the board, countersigns all warrants authorized by the board and issued by the county superintendent upon the county trustee for school expenses and serves as chairman of the executive committee of the board. The only other member of this executive committee is the county superintendent.

Under Sec. 47 (2327a), the duties of this executive committee are described in substance as follows:

1. To meet at the office of the county superintendent as often as necessary

2. To advertise for bids and let contracts authorized by the county board

3. To serve as the purchasing agent for the board except in those counties having a purchasing board

4. To examine accounts and keep within the budget approved by the quarterly county court

5. To submit for the approval of the board a full report of all business transacted since the last meeting

6. To transact any other business assigned by the board

This kind of procedure may actually have parallels in other States which do not describe it in their school laws. While some local boards in other States meet more frequently than once a quarter, some do not, and it is probable that a modus operandi similar to this is provided for under general authority of self-regulation.

Some of the specific duties assigned to the county board of education in Sec. 43 (2325) are as follows:

3. To elect principals, supervisors, teachers, attendance officers, clerical assistants, and other employees authorized by statute, fix salaries as authorized by law, and make written contracts with all employees

4. To manage and control all county public schools

5. To employ janitors, engineers and such other persons as may be required to care for school property

6. To purchase all supplies, furniture, fixtures, and material of every kind through the executive committee, provided that all expenditures amounting to $100 or more shall be on competitive bids and that this duty does not apply in those counties having a purchasing board or committee

7. To order warrants drawn on the county trustee for school expenses

9. To visit the schools whenever necessary

10. To dismiss teachers and other employees upon cause

14. To require the county superintendent and chairman of the county board - that is the executive committee - to prepare a budget on standard forms and, when the budget has been approved by the board, to submit it to the quarterly county court at the April term

The only other substantial duty which the State legislature has given to the county board of education is the duty to assign to its county superintendent various duties which the legislature itself has fully elaborated. These do not include the blanket directive found in many States to the effect that the superintendent shall perform such duties as the board may assign to him.

Intermediate and Local Levels - County Superintendent

This official plays a more prominent rola in Tennessee than his counterpart does in many other States. Unlike them, many of whom are appointed by the board to serve at its pleasure and to perform duties prescribed by it, he is elected in Tennessee by a quarterly county court or by popular vote for a definite term of office. And his duties, which theoretically the board assigns to him, have been clearly defined by the State legislature itself.

Section 42 (2324) defines his basic duties, some of which are as follows:

1. To act for the board in enforcing school laws, rules and regulations

2. To attend all meetings of the board and serve as a member of its executive committee

State: Tennessee

PART II - continued (8)

3. To keep a record of proceedings of the board and of his official acts

4. To keep a record of receipts and disbursements

5. To issue promptly on the county trustee warrants authorized by the county board for school expenses

6. To make recommendations to the county board for the best interests of the public schools, but not to vote on such recommendations himself

7. To have general supervision of all county schools, to visit the schools from time to time, and to advise with the teachers and members of the board concerning their condition and improvement

8. To require the use of the State course of study for all public schools

10. To recommend to the county board, supervisors, teachers, clerical assistants and other employees

11. To recommend salaries for them

12. To assign teachers to schools pending approval of the county board

17. To receive subscriptions and funds for school libraries, report receipts through the State commissioner of education and the books desired for the libraries

21. To report in writing, on behalf of the county board, to the county court on all receipts and expenditures of public school funds and on the condition, progress, and needs of the schools

22. To attend all quarterly meetings between the county trustee and the county judge or chairman of the county court for periodic settlements of school accounts, and report thereafter to the county board

24. To make various reports to the State commissioner of education

25. To prepare annually a budget for the schools of his county, obtain the approval of it by the county board and present it to the county court for appropriate action

28. To file with the State commissioner of education a copy of the budget adopted by the quarterly county court

PART II - continued (9)

Intermediate and Local Levels - Quarterly County Court

Sec. 91 (2346) of the Public School Laws of 1954 prescribe several duties for the Quarterly County Court, which includes the following:

1. To elect members of the county board of education as well as the county superintendent, except in those counties where members of the board and/or superintendents are elected by popular vote, and to fill a vacancy in the office of county superintendent even in counties where he is elected by popular vote.

2. To consider recommendations of the county board of education on school budgets and to provide necessary funds to meet all school obligations.

3. To require the county board of education, through the county superintendent, to make quarterly reports of receipts and expenditures, the needs of the county schools, progress in their development and other information as required.

4. To investigate the accounts of the county board of education through its finance committee or with the help of an auditor, whenever necessary.

5. To submit to the voters of the county propositions to issue bonds for the purchase of grounds or erecting and furnishing school buildings and, upon majority of affirmative vote to issue bonds for these purposes.

6. To levy taxes for payment of interest on bonds and sinking fund.

7. To levy taxes to meet current budgets adopted for the schools by the Quarterly County Court.

8. To levy taxes or issue bonds for the purchase of school grounds, erecting and repairing school buildings and equipping them.

9. To provide sufficient funds to erect a suitable building and maintain "at least one first-class four-year high school" in the county.

Under Sec. 92 (2347) of the Public School Laws of 1954 it is the duty of the county judge or chairman of the county court to make quarterly settlements with the county trustee and the county board of education of school funds.

Under Sec. 93 (2522) of the Public School Laws of 1954 the Quarterly County Court is authorized to borrow money on short-term notes to pay teachers' salaries and school expenses pending collection of county taxes and receipt of State funds.

PART II - continued (10)

Intermediate and Local Levels - County Trustees

Under Sec. 96 (2348) of the Public School Laws of 1954, county trustees have various administrative duties connected with keeping all public school funds separate from other funds, settling school accounts with the county judge or chairman, making annual reports to the State commissioner of education on receipts and expenditures, requiring of county superintendents vouchers for each expenditure of $100 or more, except those for salaries, to show compliance with requirements for competitive bidding, and distributing funds to be divided between counties and cities.

Intermediate and Local Levels - City and Special School Districts

Under Sec. 170 (2394) of the Public School Laws of 1954, cities and incorporated towns are authorized to operate systems of public schools under provisions of their respective charters and to levy taxes for that purpose. Practically no details concerning the division and scope of authority in such cities and incorporated towns are to be found in this collection of laws. Presumably they are contained in the respective charters. Collateral references made to towns and cities in the statutes and in the session laws from 1955 to 1961 inclusive, however, indicate that the general pattern for towns and cities is the same as that for counties. The regulating and taxing authorities are apparently the same basically, and provision has been made in some sections for adjustments in cases of combining or coordinating operational activities of county schools and schools in cities or towns.

Both the governing body, under Sec. 175 (2397.1) of the Public School Laws of 1954, and administrative officials, such as the school board, school commissioners, or school trustees, under Sec. 176 (2397.2), are authorized to transfer the administration of the city or town schools to a county, pursuant to certain formalities prescribed.

Under Sec. 171 (2395) of the 1954 laws, city superintendents or secretaries of the town or city board of education are required to report to the commissioner of education.

A publication, Laws for City-County Cooperation in Tennessee, by Meisenhelder and Lovelace, published by the Bureau of Public Administration at the University of Tennessee, Knoxville, June 1960, contains references to a number of situations involving schools and libraries in which the common interest of counties on the one hand and of cities or towns on the other are reconciled in regulatory and taxing authorities, with pertinent legal citations.

State: Tennessee

Source of information unless otherwise stated: Public School Laws of Tennessee, compiled by Commissioner of Education 1954 (sections in parenthesis from Williams Tennessee Code), and Public School Laws of Tennessee, 1955, 1957, 1959, 1961, compiled by State Department of Education from Public Acts.

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Public Acts 1955, Chapter 254 (appearing in 1955 Public School Laws) provided for creation of the Tennessee Educational Television Commission. It is quoted in full below.

AN ACT to create a Tennessee Educational Television Commission and to provide for its powers and duties; to confer the necessary powers for the administration of this Act; to declare the necessity of using State funds for education; to declare that non-commercial educational television as defined by the Federal Communications Commission is in furtherance of such educational purposes and that the expenditures of State funds therefor is in the public interest and for a public purpose; than an equitable means of financing research and experiments, and providing a comprehensive program of education by television in Tennessee is through the provision of matching State funds to agencies duly authorized by the Federal Communications Commission to engage in educational television and that funds so expended are for the public interest and for a public purpose: to authorize said commission to cause research and experiments to be made by a qualified agency; to define and set standards to guide said commission in the selection of agencies for said purposes; to appropriate funds for the purposes of this Act and to provide for the expenditure thereof.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it is hereby found and declared (a) that education of the citizens of this State, of all ages, is for the manifest best interest of all the people of the State and State funds expended therefor are for a public purpose; (b) that non-commercial Educational

PART III - continued (2)

Television as defined by the Federal Communications Commission in a modern visual aid for bringing cultural and educational enlightenment to the people in Tennessee and that the expenditures of State funds therefor is in the public interest and for a public purpose; (c) that the extent to which the State of Tennessee should engage in Educational Television can best be determined by research and experiment in actual telecasting and State funds expended for such research in new means of education and grants in aid to non- profit educational organizations qualified and equipped to conduct such research and experiment is in the interest of economy of use of public funds and is for a public purpose; (d) that non-commercial education of the people of Tennessee being the sole objective of Educational Television stations, whether the applicant is a governmental subdivision, a general welfare non-profit corporation or an educational institution, it is hereby found and declared that the expenditure of funds of the State of Tennessee in furtherance of Educational Television by providing matching funds to aid in the operation of such a station by any agency within this State holding a permit, duly issued by the Federal Communications Commission, to engage in non-commercial Educational Television in Tennessee is in the public interest, for a public purpose and that the necessity and the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative declaration.

Section 2. Be it further enacted, That there is hereby created the Tennessee Educational Television Commission, composed of the Governor, the Commissioner of the Department of Education and one other citizen to be selected by and serve at the will and pleasure of the Governor. Members shall receive no compensation for their services but shall be entitled to reimbursement for their actual expenses in connection with bona fide activities of said Commission, provided there are unexpended funds in its appropriation to cover same. The Commission may employ such secretarial or technical assistance as it may deem advisable.

Section 3. Be it further enacted, That said Tennessee Educational Television Commission shall cause to be conducted research and experiments in education by television, and for this purpose, shall be authorized to grant to any agency solely in Educational Television as defined by the Federal Communications Commission matching funds not to exceed the amount hereinafter appropriated to be used solely as operating funds of such agency as hereinafter provided. Said Commission shall be authorized to intercede in any proceedings concerning the retention, allocation or reassignment of Educational Television channels when in its opinion, such intervention is deemed desirable. Said Commission shall file an annual report of its activities with the Department of Education and shall recommend to the General Assembly the extent, if any, to which the State should participate in Educational Television, the means of doing so, and the estimated cost of same based upon its research and experiments.

PART III - continued (3)

Section 4. Be it further enacted, That applications for matching funds shall be submitted to the Tennessee Educational Television Commission who may approve same, provided:

1. Applicant shows that it is the holder of a permit duly issued by the Federal Communications Commission to engage in non- commercial Educational Television upon a channel authorized by said Commission and located within the State of Tennessee.

2. Applicant has a complete transmitting facility capable of broadcasting a television signal upon said channel and gives acceptable assurance that funds granted hereunder shall be used solely for operating expense of said station as distinguished from capital expenditures, and agrees to conduct research and experiments to determine the desirability and practicality of education by television.

3. Applicant has funds or donated services of a value acceptable to said Commission which it proposes to use in the operation of its station equal to the amount of its application, provided that the amount granted to an applicant hereunder shall be in the sole discretion of said Commission and shall not exceed $50,000 in any one year, regardless of the total of the applicant's funds and services, and applicants shall acquire no right therein prior to issuance for the purpose of assignment or otherwise; and provided further that the recipient of any grant shall make such reports of expenditures, accountings, and analysis of programs planned or presented as said Commission shall require.

4. Applicant shall comply with all other administrative regulations provided by said Commission. The Tennessee Educational Television Commission shall be empowered to prescribe such other administrative rules and regulations in connection with applications as it shall deem expedient and if it finds said application in order, shall certify same to the Director of Accounts whose duty it shall then be to disburse the funds in the amount set out in said approved application; provided that such expenditures shall be subject to the control and approval of the Director of the Budget in the same manner as appropriations made to the various State departments.

Section 5. Be it further enacted, That there is hereby appropriated out of the general funds of said State not otherwise committed the sum of $50,000 annually to the Tennessee Educational Television Commission to conduct research in education by television as hereinabove provided, to be made available as matching funds, not to exceed $50,000 to conduct research and experiments in Educational Television and to aid in the operating expense of the holder of a permit duly issued by the Federal Communications Commissions, to operate a non-profit, non-commercial Educational Television station; and provided that such funds be distributed to such qualified applicant by the Tennessee Educational

Television Commission as herein set out, and provided further, if in the sole discretion of said Commission, allocation shall be made in 1956 only if it deems results obtained in 1955 justify continuing such research experiments. Any funds approved and disbursed to any agency under the provisions hereof in any calendar year may be retained for use by said agency thereafter, notwithstanding the close of the calendar year.

Section 6. Be it further enacted, That there is hereby appropriated out of the general funds of the State not otherwise committed, the sum of $2,500 per annum to defray the expense of the Commission on Educational Television hereinabove created. All appropriations made in this Act shall be subject to the provisions of Chapter 33, Public Acts of 1937, as amended, including codifications thereof.

Section 7. Be it further enacted, That if any part, clause, or section of this act shall be declared unconstitutional, it shall not affect any other part, clause or provisions hereof.

Section 8. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Public Acts 1959, Chapter 14 (appearing in 1959 Public School Laws), Section 29 reads as follows:

Section 29. Be it further enacted, That there is hereby appropriated for the Educational Television Commission for the fiscal year beginning July 1, 1959, Fifty Thousand ($50,000.00) Dollars; and for the fiscal year beginning July 1, 1960, and for each fiscal year thereafter, there is hereby appropriated Fifty Thousand ($50,000.00) Dollars, to be expended under provisions as set forth in Chapter 254 of the Public Acts of 1955.

Public Acts 1961, Chapter 5 (appearing in 1961 Public School Laws), Sec. 29 reads almost identically and made similar appropriation of $50,000 for the fiscal year beginning July 1, 1961; and for the fiscal year beginning July 1, 1962, and for each fiscal year thereafter, appropriated $50,000 to be expended as provided in the basic Act of 1955 for the Educational Television Commission.

Public Acts 1961, Chapter 74 (appearing in 1961 Public School Laws) reads in part as follows:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Section 49-3805 of Tennessee Code Annotated be and the same is hereby amended by striking the period from the end of the first sentence of such Section and substituting in lieu thereof a semicolon to be followed by the words, "provided that any State College or University under the control of the State Board of Education is hereby authorized to contribute to the support of any educational television station in the State of Tennessee which has been approved by the

PART III - continued (5)

Tennessee Educational Television Commission, provided that the amount and extent of such contribution and the provisions under which such contribution is made shall be subject to the approval of the State Board of Education and subject to the availability of the funds of such State College or University and provided further that the Board of Education of any city, county, or special school district is hereby authorized to contract with or contribute to the support of any educational television station in the State of Tennessee which has been approved by the Tennessee Educational Television Commission, provided that the amount and extent of such contribution and the provisions under which such contribution is made shall be subject to the availability of funds in the hands of such contracting or contributing Board of Education."

Public Acts 1961, Senate Joint Resolution No. 43 (appearing in 1961 Public School Laws) reads as follows:

A RESOLUTION to make film "Communism of the Map"
available to all public schools

WHEREAS, A joint session of this General Assembly was privileged to see a film strip entitled, "Communism on the Map," developed by Dr. George S. Benson, President of Harding College, in cooperation with the Mamphis Commercial Appeal and promoted by Memphis Post No. 1 of The American Legion; and

WHEREAS, Such film has been adopted by the Tennessee Department of The American Legion as a State project and is being considered by The American Legion as a national project; and

WHEREAS, Some other states have acted to require showing of such film to all high school juniors and seniors; and

WHEREAS, The public showing of such film is a timely and soul-searching documentary on the dangers of Communism to our American way of life; and

WHEREAS, It is imperative that our citizens of today and tomorrow become informed of its perils; and

WHEREAS, The Tennessee State Department of Education is a repository for educational films made available to our public school systems; now

Therefore, Be it resolved by the Senate of the Eighty-Second General Assembly of Tennessee, the House of Representatives concurring, That the State Department of Education be urged to supply a sufficient number of the film strip, "Communism on the Map" so as to make such film available to all the public high schools in the State and advise the principals of schools of such availability; and

PART III - continued (6)

Be it further resolved, That a copy of this resolution be forwarded to the Commissioner of the Tennessee State Department of Education.

ADOPTED: March 14, 1961

Wm. D. Baird,
Speaker of the Senate

James L. Bomar,
Speaker of the House of Representatives

APPROVED: March 16, 1961

Buford Ellington,
Governor

In 1961-1963 Rules, Regulations, and Minimum Standards of the State Board of Education (Nashville, July 1961), Part II, "Minimum Requirements for the Approval of Public Schools" requirements were promulgated in accordance with provisions of Tennessee Code Annotated, Section 49-108.

"Requirement G. Instructional Materials" (pp. 46-49), reads in part as follows:

"1. School embracing grades 9 through 12; 10 through 12; 7 through 9; 7 through 10; 7 through 12; 8 through 12....

"b. Materials collection....

"(3) Other teaching materials

"Every school shall be supplied with such teaching aids as will facilitate and supplement the school's instructional program at all grade levels. Such equipment and materials as projector, films, slides, recordings, basic maps, charts, pictures, record player, exhibit materials, and health and physical education materials shall be available for use in each classroom. Science materials and art materials shall be available in either the materials center or in the individual classroom......

"e. Quarters and equipment.....

.....

"(2) Equipment

"Library room shall be equipped with suitable tables and chairs, adjustable shelving, loan desk, slanting magazine shelves, bulletin board, catalog case, vertical file, typewriter, and suitable facilities to care for such teaching aids as film-strips, recordings, etc.

.....

State: Tennessee

PART III - continued (7)

"2. Schools embracing grades 1 through 8 or any combination of these grades, and schools embracing grades 1 through 10

"a. Materials collection.....

"(3) Other teaching materials: Each school shall own certain instructional materials such as:

(a) A globe suitable in size for classroom use

(b) Certain basic maps selected on the basis of curriculum needs

(c) Bulletin boards

(d) Exhibit materials

(e) Pictures

(f) Health and physical educational materials

(g) Science, music, and art materials necessary to carry on a good school program

Additional materials should be used from the County Materials Center.

.....

"c. Librarian

One faculty member shall be designated as teacher-librarian or materials co-ordinator who shall have the responsibility for selecting and organizing materials for use."

State: Tennessee

Source of information unless otherwise stated: Public School Laws of Tennessee, compiled by Commissioner of Education 1954 (sections in parenthesis from Williams Tennessee Code), and Public School Laws of Tennessee, 1955, 1957, 1959, 1961, compiled by State Department of Education from Public Acts.

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids
P.A. 1955, Ch. 254, Sec. 3; P.A. 1961, Ch. 74, Sec. 1;
P.A. 1961, S.J.R. 43;
28(2316a); 24(2314) sub. 22

Yes 3. Preparing curricula
24(2314) subsec. 22
28(2316a)
1961-63 Rules; Curriculum 1, State & local d (p. 39)

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
24(2314) subsec. 2
24(2314) subsec. 18
42(2324) sub. 6, sub. 7

Yes 5. Organizing AV units and cooperative activities
24(2314) subsec. 18
43(2325) sub. 4
42(2324) sub. 7

Yes 6. Conferring on AV use outside of State educational structure
54(2330.3)
P.A. 1955, ch.254, sec.3
26(2315)

State: Tennessee

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
P.A. 1961,Ch.74,sec.1
42(2324),sub.6
43(2325),sub.4

Yes 8. Selecting textbooks (and observing academic freedom)
302(2453.32)
303(2453.33)
1961-63 Rules: Curriculum, 1, State & local, d (p.39)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
P.A. 1961,Ch.74,Sec.1; P.A. 1961,S.J.R. 43; P.A. 1961,Ch.5,Sec.15; 42(2324),sub.25; 91(2346),sub.2,sub.7; 96(2348); 42(2324),sub.5; 43(2325),sub.6; 47(2327a),sub.2,sub.3; 46(2327),sub.6

Yes 10. Financing acquisition by rent or purchase

Same as for Topic 9

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
P.A.1955,ch.254,sec.3
28(2316a)
1961-1963 Rules, Regulations and Minimum Standards

No 12. Distributing AV aids

But see Topic 21 below

Yes 13. Producing AV aids

P.A.1955,ch.254

Yes 14. Certificating teachers and AV professionals

29(2365.5)

Yes 15. Prescribing qualifications of using personnel

P.A.1961,Ch.V,Sec.24; 1961-63 Rules, Regulations & Minimum Standards, p.48

State: Tennessee

PART IV (continued)

Yes or No	
Yes	16. Accrediting schools 28(2316a) 1961-63 Rules, Regulations & Minimum Standards, pp. 46-49 P.A. 1961,ch.5,sec.21
Yes	17. Building or remodeling schools to facilitate AV use 91(2346),sub.5; 91(2346),sub.8,9 P.A. 1961,ch.5,sec.15; 405(2516) Rules and Regulations,pp. 58-66
Yes	18. Federal aid to schools P.A. 1961,Pub.ch.241 P.A.1961,H.J.R. 28
Yes	19. State aid to schools P.A. 1955,ch.254,sec.3 P.A.1961,S.J.R.43 P.A.1961,ch.5,sec.39; sec.2 P.A.1961,ch.5,sec.4,5,6,7,8,9,14,15,19
No	20. Private aid to schools None relating to public schools
Yes	21. Library programs 27(2316),sub.4; 42(2324),sub.17; P.A.1961,ch.73; P.A.1959,pub.Ch.9,sec.12; P.A.1961,ch.5,sec.37; 24(2314),subsec.20
Yes	22. Research programs P.A.1955,ch.254,sec,3,sec.5
Yes	23. Institutes 24(2314),subsec.4 P.A.1961,ch.V,sec.24
Yes	24. Other established procedures 54(2330.3) 478(2404.3; P.A.1957,ch.53,sec.31

State: Tennessee

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

The legislature of Tennessee, or General Assembly, engaged in major planning when it established in 1955 the Tennessee Educational Television Commission, referred to in Part III, P.A. 1955, Chapter 254. Section 3 of that act empowers the Commission to conduct research and experiments. The General Assembly has made appropriations to this Commission for research and for matching funds with operating stations, the last appropriation being in 1961, found in P.A. 1961, Chapter 5, Section 29. In the same year it authorized the board of education of any city, county or special school district to contract with or contribute to the support of any educational television station in the State, approved by the Commission, subject to the availability of funds in the hands of such contracting boards, P.A. 1961, Chapter 74, Section 1. There was also an element of planning when the legislature, P.A. 1961, Senate Joint Resolution 43, urged the State department of education to supply a sufficient number of the film strips, "Communism on the Map", so as to make such film available to all the public high schools in the State and advise the principals of schools of such availability.

At a lesser level, but in a continuing practice, the State board of education prescribes curricula and approves courses of study adopted by local county, city and special school district boards of education, upon the recommendation of the superintendents of schools, provided that the courses of instruction are in accord with regulations of the State Board governing the approval of public schools, 28(2316a). Likewise the State board of education is called upon to approve courses of study for rural elementary schools recommended, as required, by the State commissioner of education, 24 (2314) sub. 22. Both of these provisions would no doubt give room for planning the use of AV aids.

Topic 3 - Preparing curricula

Section 28 (2316a) imposes a duty upon the State board to prescribe curricula and, as noted above, to approve courses recommended by local superintendents and adopted by local school boards, subject to the regulations established by the State board. Similarly the State board must give its approval to courses of study recommended by the commissioner of education for rural elementary schools, 24 (2314) sub. 22. On pages 37-46 of the 1961-1963 Rules, Regulations and Minimum Standards, issued by the State board of education, details of the "curriculum framework" are set forth in some detail yet with sufficient latitude to suggest the use of AV material in the curricula.

Topic 4 - Advising subordinate units and teachers on use of AV aids, etc.

Under Section 24 (2314) sub. 2, the State commissioner has the specific duty of collecting and publishing statistics and other information relating to the public school system, and under sub. 18 the specific duty of supervising county high schools. Under Section 42 (2324) sub. 6 the county

PART IV - continued (5)

superintendent has the duty to make recommendations to the county board for the best interests of the public schools, and under sub. 7 the duty of exercising general supervision of all county schools, visiting the schools from time to time, and advising with the teachers and members of the board of education as to their condition and improvement. None of these statutes contains any provision relating to AV aids, but they might be invoked for the purpose of advising on the use of such equipment.

Topic 5 - Organizing AV units

The general supervisory power of the State commissioner over all public schools and the specific duties assigned to him to supervise county high schools, 24 (2314) sub.18, might extend to organizing AV units and cooperative activities. However, in leaving operational activities at the local level, the legislature may have intended otherwise. Section 43 (2325) sub. 4, imposes upon the county board of education the duty to manage and control all county public schools established or that may be established. And section 42 (2324) sub. 7 imposes upon the county superintendent the duty of maintaining general supervision over all county schools, advising with the teachers and members of the board of education as to their condition and improvement. It is probable that both the State commissioner and the county superintendent make their respective recommendations to the county board, with different degrees of "persuasiveness", and that the board, in at least token observance of its local autonomy, passes an appropriate resolution on the subject before it. This procedure could be used for organizing AV units in the schools.

Topic 6 - Conferring on AV use outside of State educational structure

There must be some degree of conferring between members of the Tennessee Educational Television Commission and members of the State board of education and the commissioner, inasmuch as the Television Commission is required by Section 3 of P.A. 1955, Chapter 254 establishing it to file an annual report of its activities with the department of education. But extra-organizational conferring has been provided for by Section 2 of this act, which states that one member of the Television Commission shall be the Commissioner of the department of education, who by terms of Section 26 (2315) of the Public School Laws of 1954 is a member and chairman of the State board of education. Other conferring with an organization which is outside of the school structure, but really on its fringe, is provided by Section 54 (2330.3), which states that the commissioner of education, the State department of education, the State board of education, and the boards of counties, cities, and special school districts are empowered to cooperate with the Tennessee School Board Association in its in-training programs for school board members and in encouraging cooperation among school boards of the State. This provides a forum in which questions of AV aids could conveniently be discussed.

Topic 7 - Selecting AV aids

Local boards of education exercise some power of selection when they make contracts for educational television, under authority of P.A. 1961, Chapter 74, sec. 1. The county superintendent could make recommendations to the county board on various subjects, including the selection of AV aids, Section 42 (2324) sub. 6, but it appears that the county board, under its authority to "manage and control all county public schools", Section 43 (2325) sub. 4, would make the actual selection.

Topic 8 - Selecting textbooks

Under Section 302 (2453.32) the State Textbook Commission prepares a list of approved textbooks for use in the public schools and publishes the list. Four books in each subject, if available and approved, are listed. Under Section 303 (2453.33) all county, city, and special school district boards are required to make their selection of textbooks from among those shown on this list, but upon recommendation of a special committee which each school board shall "set up". These committees are composed of three to five teachers, or supervisors and teachers, and of the superintendent of the county, city, or special school district, ex officio.

A provision appearing on page 39 of the 1961-1963 Rules, Regulations and Minimum Standards of the State board of education, states that textbooks and approved course-of-study outlines adopted for instructional areas and grade levels concerned shall constitute the official instructional guides, but that this requirement does not preclude the experimental use of tentative course-of-study materials.

Topic 9 - Acquiring AV aids and school supplies

As indicated above, local school boards are authorized to make contracts with approved broadcasting stations for educational television, P. A. 1961, Chapter 74, sec. 1. And under P. A. 1961, Senate Joint Resolution 43, the legislature "urged" the State department of education to provide a supply of filmstrips on the subject "Communism on the Map" for use of all public high schools and to "advise the principals of schools of such availability". This suggests a procedure, for which no specific statutory provision has been found, under which the State department of education would maintain a film library for loan to the schools, as in some other States. Otherwise the problem of acquiring AV aids and other school supplies would be met by local procedures for preparing budgets, levying property taxes, and procurement, or by use of supplemental funds provided by State appropriations. State aid is discussed under Topic 19, but reference is made here to the last appropriation act appearing in Public Act 1961, Chapter 5 for school support.

Under Section 42 (2324) of the Public School Laws of 1954, sub. 25, the county superintendent prepares the annual budget for schools in his county, the county board approves it, and the county superintendent presents it to the county court for adoption at its April session. Under

PART IV - continued (7)

Section 91 (2346) sub. 2, the quarterly county court "considers", on recommendation of the county board, school budgets, and provides necessary funds to enable the boards to meet all obligations under the adopted budgets. This court also exercises further fiscal control by requiring quarterly reports on receipts, expenditures, and needs. Under sub. 7 of the same Section the quarterly county court levies the taxes necessary to meet the budgets. Under Section 96 (2348) the county trustee administers all funds derived from taxes collected by municipal authorities for the schools, and these funds are drawn upon by the county superintendent by warrants specifically authorized by the county board, Section 42 (2324) sub. 5.

The county board has the duty under Section 43 (2325) sub. 6, "to purchase all supplies, furniture, fixtures, and material of every kind through the executive committee," But purchases amounting to $100 or more must be made on competitive bids. Also if the county has purchasing boards or committees these function in procurement matters instead of executive committees. The executive committee of county board is composed of the chairman of the board and the county superintendent, Section 46 (2327) sub. 6, and it has the duties, among others, of advertising for bids for contracts authorized by the board and of serving as purchasing agent for the board, except in those counties having a purchasing board, Section 47 (2327a) sub. 2 and 3.

These are the procedures for acquiring AV aids and school supplies.

Topic 10 - Financing acquisition

The procedures and authorities described in Topic 9 above apply here as well.

Topic 11 - Regulating use of AV aids

The only specific provision which might come under this category is the requirement in P. A. 1955, Chapter 254, sec. 3, that the Tennessee Educational Television Commission shall file an annual report of its activities with the department of education.

The State board of education, of course, has authority to make regulations for the government of the schools, Section 28 (2316a). No regulations affecting the use of AV aids have been found except those which may be implied from provisions, referred to in part III above, appearing in the 1961-1963 Rules, Regulations and Minimum Standards of the State board of education.

Topic 12 - Distributing AV aids

The distribution of AV aids might be effected through the State library program, referred to in Topic 21 below. Otherwise there is no legislation bearing directly upon this subject.

State: Tennessee

PART IV - continued (8)

Topic 13 - Producing AV aids

The only legislation which might come under this heading is that found in P.A. 1955, Chapter 254 which authorizes the Tennessee Educational Television Commission to match funds with approved private organizations undertaking the production of educational television.

Topic 14 - Certificating teachers

The State Board of Education has "complete jurisdiction over the issuance and administration of certificates for county superintendents, supervisors, principals and public school teachers, grades 1 through 12, ...and such certificates shall be uniform for all the counties in the State." Sec. 29(2365.5).

Topic 15 - Prescribing qualifications

There is no fequirement for any special training of personnel using AV equipment. Suitable instruction, however, might be given in the in-service teacher training program provided for in P.A. 1961, Chapter 5, Sec. 24. On page 48 of the 1961-1963 Rules, Regulations and Minimum Standards of the State Board of Education, it is provided that "one faculty member shall be designated as teacher-librarian or materials co-ordinator who shall have the responsibility for selecting and organizing materials for use." This refers to minimum standards of "materials collections" of books, periodicals and other teaching materials, which include some of the simpler forms of AV teaching aids. It might suggest a requirement of some library training, at least for this particular activity.

Topic 16 - Accrediting schools

The State Board has the duty to prescribe rules and regulations for the approval and classification of all public schools, Sec. 28 (2316a). The 1961-1963 Rules, Regulations and Minimum Standards issued by it in July 1961 sets forth on pages 37-46 the minimum curriculum framework, and on pages 46-49 the minimum instructional materials for the public schools. The materials include some AV equipment as descfibed in PART III above.

P.A. 1961 Chapter 5, Sec. 21, authorizes the State Commissioner to withhold State appropriations from any school which does not meet standards.

Topic 17 - Building and remodeling schools

There is no specific statutory provision relating to building or remodeling schools in such a way as to facilitate AV use. Procedures for this general purpose, however, are an extension of those described in Topics 9 and 10 with reference to acquiring and financing the acquisition of AV supplies. Evidently the requirements for building and remodeling are included in the budget, the procedure for which is described above. The Quarterly County Court is charged with the following duties, among others enumerated in Sec. 91 (2346):

> Subsec. 8 - to levy sufficient taxes, or provide funds by bond issues by the voters, for the purchase of school grounds, the erection and repaid of school buildings, and for equipping the same

PART IV - continued (9)

Subsec. 9 - to provide sufficient funds to erect a suitable building and maintain at least one first class 4-year high school

Subsec. 5 - to submit to the voters of the county the proposition to issue bonds for the purchase of ground and the erection and furnishing of school buildings

Sec. 405 (2516) authorizes county and city boards of education to exercise the right of eminent domain and to take and use the property of individuals or private corporations for public school purposes. Following sections prescribe procedures.

The State supplements funds raised locally for building schoolhouses by making appropriations earmarked for that purpose. See P.A. 1961 Chapter 5, Sec. 15. The next to the last paragraph of this section reads in part as follows:

> "The State Board of Education is hereby authorized to establish minimum standards for school sites, school attendance centers, the construction of buildings for school purposes, the major repairs of buildings for school purposes of a capital outlay nature, and for equipment for buildings for school purposes. No county, city, or special school district board of education shall obligate or expend any State or local school funds for any project of a capital outlay nature which does not conform to the standards adopted by the State Board of Education as authorized in this paragraph.
>
> "The State Board of Education is hereby authorized and directed to establish minimum standards for school sites and buildings for the approval of schools."

Pursuant to this directive the State Board of Education established such standards and published them in its 1961-1963 Rules, Regulations, and Minimum Standards, pp. 58-66. Provisions which might have some relevance here are:

The Commissioner of Education shall approve all plans and specifications for construction, p. 58

The local superintendent of schools is responsible for submitting plans for specifications to the Commissioner of Education for approval, p. 59

Furniture and equipment in science laboratories, if used as a combination laboratory-lecture room, shall be designed to accommodate the pupils for these purposes, p. 60.

Minimum areas for rooms used for special purposes are prescribed, pp. 60-63, including industrial shops for study of electricity, radio-TV repair, photography and similar subjects, p. 62

Minimum specifications are prescribed for chalk boards and tack boards or bulletin boards, p. 63

Regular classrooms are to have at least 3 convenient electrical outlets and special classrooms shall have additional outlets as needed, p. 65

Regulation No. 31, appearing on pp. 65-66, is significant. It reads as follows:

> "Equipment for school buildings shall be of a permanent nature necessary to the operation of a school. Expendable teaching aids and supplies do not meet the above standard of permanency. Only equipment meeting the standard of permanency enunciated above shall be paid for out of capital, outlay or from bond funds supported by capital outlay funds." (emphasis supplied)

From this appears that State appropriations for buildings could not be used for those types of AV aids which are not "permanent". These would have to be procured with funds from other State appropriations or from local taxation.

Topic 18 - Federal aid

Under P.A. 1961, Pub. Ch. 241, the Governor of the State is authorized to accept from the Federal government or any of its agencies any Federal aid made available by Executive Order or Act of Congress (Sec. 1). And under Sec. 2 of the same Act, he is authorized, notwithstanding any provision of existing State legislation, to transfer functions among State agencies in joint Federal-State programs to meet requirements brought about by changes in Federal legislation.

In P.A. 1961, House Joint Resolution No. 28, the General Assembly urged the Tennessee Congressional Delegation to work for Federal aid to schools.

Topic 19 - State aid

P.A. 1955, Ch. 254, establishing an educational television commission for the State, with appropriations for matching funds with private producers (Sec. 3), and P.A. 1961, Senate Joint Resolution 43, urging the Department of Education to make available to high schools a particular anti-communist film, are the only examples of legislation dealing specifically with State aid for promoting the use of AV, as defined herein.

Still there is extensive State aid to the school system, supplementing funds raised by local property taxes, as shown by the appropriation acts passed at each session of the General Assembly, part of which might be diverted to AV use. Some of this aid is earmarked for increase in teachers' salaries, some for pupil transportation, some, as indicated above under Topic 17, for school buildings, and some for current expenses. In the 1961 appropriation, P.A. 1961, Ch. 5, Sec. 4, provision is made in subsection (3)(b) for allotment of $1.25 per pupil, according to an attendance formula stated, for "Learning and Instructional Materials and School Health Services." This is part of the "minimum foundation school program" for current operation and maintenance of those public schools in districts which have opted to participate in the Equalizing System. See also subsections 5 and 6 for formula. Other sections of the Act provide on another basis for those schools in districts which have not so opted and are therefore under the Non-Equalizing System, Secs. 7-9.

Subsection 14 provides funds for rebinding textbooks.

These and other school funds provided each year are paid directly to the county trustee in the case of county school districts, or to the treasurer or other fiscal agent in the political organization in the case of city or special school districts, ibid., Sec. 19, to be drawn upon by local school boards for the purposes indicated.

Sec. 28 of this Act also appropriates funds for the State Department of Education, Central Office, for its "maintenance and operation" and additional funds for the same Department for use in matching funds in the Federal NDEA program. This program contemplates the use of some AV equipment.

Although no other provisions than those cited, and perhaps those relating to libraries as described below, seem to be relevant to AV equipment, it is clear that in the general operation of the school system some State aid must be used for this purpose. Corroborative evidence is found in the preamble of P.A. 1961, Senate Joint Resolution 43 concerning a particular film, supra, which reads in part as follows:

> "Whereas, The Tennessee State Department of Education is a repository for educational films made available to our public school system..." (emphasis supplied)

Topic 21 - Library programs

One of the duties of the State Board of Education is to select lists of books for school libraries and provide for their purchase, Sec. 27(2316), subsec. 4.

A duty of the county superintendent is to receive subscriptions and funds for establishing and maintaining school libraries, to deposit same with the county trustee and to report to the Commissioner of Education the amount thus deposited and the books desired, Sec. 42 (2324), subsec. 17.

PART IV - continued (12)

New legislation in P.A. 1961, Ch. 73, replacing section 10-601 of the Tennessee Code Annotated, relates to the State's multi-county regional library program, and a regional library board, composed of representatives from participating counties, to administer and control the regional library services. Organization requires approval of contracts among participants by the quarterly county court, recommendation by the State Library and Archives Commission of minimum local appropriations of funds and approval thereof by the State Commissioner of Education. Counties and municipalities may participate and appropriate funds.

P.A. 1959, Pub. Ch. 9, Sec. 12, created a Division of Public Libraries in the State Department of Education and transferred all authority, powers and duties vested by law in the State Library and Archives Commission to the Department of Education and the Commissioner, to be administered through the newly created Division. The old commission was not liquidated but shall continue to function as an advisory body to the Commissioner of Education.

P.A. 1961, Ch. 5, Sec. 37, appropriated $721,750 for the "Tennessee State Library and Archives" for fiscal 1962-63, of which $265,000 is allotted to the Central Office, $29,000 to Public Libraries, and $360,000 to Regional Libraries. Other allotments in small amounts are intended for other purposes.

Under Sec. 24 (2314), subsec. 20, the State Commissioner is charged with the duty of administering funds appropriated for school libraries. Whether or not these are the same as those referred to in the appropriations act cited above, the Commissioner of Education has administrative powers concerning them by virtue of the transfer of powers of the State Library and Archives Commission to the Department of Education, supra. The large allotment to "Central Office" suggests provision of funds for purchase of books, and perhaps films and other instructional material, for use by the Department of Education in the public school system.

Topic 22 - Research programs

The Tennessee Educational Television Commission conducts or causes to be conducted research in educational TV, P.A. 1955, Ch. 254, Secs. 3 and 5.

Topic 23 - Institutes

One duty of the State Commissioner is to require all teachers to attend county institutes or educational meetings called by the county superintendent, Sec. 24 (2314), Subsec. 4.

P.A. 1961, Ch. 5, Sec. 24 appropriated funds for several purposes, including "an in-service training program for school personnel" and directed that all agencies participating in any way in the program shall channel their efforts through the office of the State Commissioner of Education.

Both of these procedures provide opportunity for training in the use of AV aids.

PART IV - continued (13)

Topic 24 - Other procedures

Similar opportunity is provided for informing members of local boards concerning AV aids by provisions of Sec. 24(2330.3) authorizing the Commissioner, the Department, and the State Board of Education, as well as local boards, to cooperate with the Tennessee School Boards Association in its in-training programs for school board members.

Sec. 478 (2404.3) relates to the compact for Southern Regional Education, which it quotes, entered into by the States of Tennessee, Florida, Maryland, Georgia, Louisiana, Alabama, Mississippi, Arkansas, North Carolina, South Carolina, Texas, Oklahoma, West Virginia, and Virginia, 14 in all, through and by their respective governors on February 8, 1948, for the development and maintenance of regional educational services and schools in the Southern States in the professional, technological, scientific, literary, and other fields, so as to provide greater educational advantages and facilities for the citizens of those States. The text of this Section, including the compact, is attached to this file. The Tennessee General Assembly ratified the compact, making the State a party to it, Sec. 479 (2404.4). It appropriated $50,000 to be paid over to the Department of Education for disbursement, under its direction, for operation and maintenance of Meharry Medical College, in Nashville, as a regional institution, and of any other regional institutions, selected under the Compact. Other appropriations for this purpose have been made regularly, the last one, for $188,500 for fiscal 1962-63, being included in P.A. 1961, Ch. 5, Sec. 33.

The Compact created a representative Board of Control for Southern Regional Education, composed of the Governor of each State and three additional citizens of the State appointed by him, including one educator, to meet periodically and to have self-regulating authority, as well as certain duties and powers specified.

In general its duty is to submit plans and recommendations to the States for appropriate legislative action,--

> "for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the States, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise as they may deem and determine to be proper, necessary or advisable."

Title to all educational institutions created or acquired in the operation of the program is to be vested in the "Board of Control" by appropriate legislative actions of the States whenever necessary. Support of such institutions is to be provided for by annual contributions from each of the participating States in the ratio of its population to the total population of all participants. The participating States may also contract individually, outside of the compact relationship, for similar activities or services not included in the compact program and not supported by it.

Meharry Medical College of Nashville, Tennessee, was designated in the Compact as the first institution to be included in the program and has been supported jointly in this undertaking.

This Compact, in spite of some broad expressions appearing in it, contains provisions which orient its activities to specialized fields, perhaps at the graduate level. It might be a strain to attempt extending its provisions to general instruction, at the elementary and secondary school levels, through any use of AV teaching aids. Nevertheless, this Compact could serve as a very useful model for some other inter-State agreement for cooperative activities in the development of AV teaching techniques, particularly ETV, extending beyond State borders.

TEXAS (1959-60)

Enrollment in full-time public schools:

Elementary	1,611,765
High School	456,393
Number of school districts (including non-operating)	1,581
Number of elementary schools	3,780
Number of high schools (including junior high)	1,909
Expenditure per pupil in average daily attendance	$330 (estimated)

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

TEXAS

County and Independent School Superintendencies

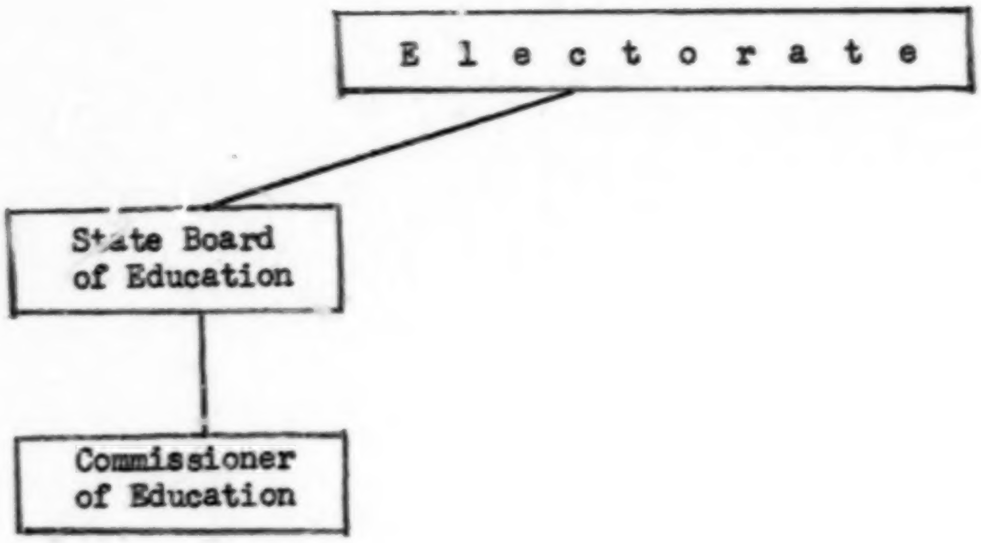
There are 1,152 school superintendencies in the State: 197 county-intermediate superintendencies, 47 partial county-unit superintendencies, 10 county-unit superintendencies, and 898 city or town superintendencies. The superintendents in 128 of the 197 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. In the remaining 69 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 174.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 142-145.

TEXAS

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools....

   State Board of Education.--Composed of 21 members, 1 elected on a nonpartisan ballot from each congressional district for overlapping 6-year terms. The State board of education is the policy forming and planning body of the Texas central education agency which consists, in addition, of the State commissioner of education and his staff.

   b. Supplementary programs

   State Board of Examiners (advisory).--Consists of not less than 3 competent teachers appointed by the State commissioner of education to serve at his pleasure. Members must live in the State. Under current policy of the State board of education, the State board of examiners is composed of 21 members. The examiners appraise the papers and reports submitted by applicants for teachers certificates and make a report to the State commissioner recommending whether or not the certificates be issued.....

   State Textbook Committee (advisory).--Composed of 15 members appointed by the State board of education, on the recommendation of the commissioner of education, for 1-year terms. Members are experienced and active educators. No person who has been directly or indirectly connected with any textbook publishing house is eligible for appointment to the State textbook committee. The committee examines all books submitted for adoption and recommends to the commissioner of education a complete list of textbooks approved for adoption at all grade levels in the various school subjects.

3. Chief State School Officer

The State board of education appoints the commissioner of education for a 4-year term. The commissioner must be a person of broad professional experience in education with special and recognized abilities of the highest order in the organization, direction and coordination of educational systems and programs and with particular abilities in administration and management of public schools and public education generally. He must be a citizen of the United States and of Texas for not less than 5 years immediately preceding his appointment. He must also be of good moral character, be eligible for the highest school administrator's certificate currently issued by the State department of education, and have as a minimum a master's degree from a recognized institution of higher learning. The commissioner serves as executive officer of the State board.

7. Coordination of the State Education System Through Structure

The State board of education is responsible for policy on the State level for the programs of public elementary and secondary education....

8. Coordination of the State Education System Through Ex Officio Memberships

The commissioner of education.........are ex officio members of the State board of school safety supervision.

9. Fiscal Coordination

The 10 State educational agencies which submit budgets to the governor and the legislative budget board are the following: ....State board of education.

The governor, in his capacity of chief budget officer, is authorized to employ such persons and to make such expenditures as are required for the compilation of the biennial appropriations budget. He makes such investigations and inquiries as he believes necessary and holds public hearings on request or when the need arises. Employing the information submitted in the estimates and obtained from public hearings, inspections or other sources, the governor compiles the biennial appropriations budget. He then submits to the legislature a recommended budget which is developed in 5 parts--judicial, eleemosynary, departmental, higher education, and junior colleges.

The legislative budget board is composed of 10 members, the speaker of the house of representatives plus 4 members of the house appointed by him and the lieutenant governor plus 4 members of the senate appointed by him. The members from the house of representatives include the chairmen of the appropriations committee and the revenue and taxation committee. The members from the senate include the chairmen of the finance committee and the State affairs committee. The legislative budget board appoints a director of the budget for a 1-year term. The director is authorized, with the approval and consent of the budget board, to employ the necessary clerical and stenographic assistance. Employing means similar to the governor in the preparation of his recommended budget, the director prepares a budget report which is similar in composition to the governor's. The legislative budget board employs both the governor's recommended budget and the director's budget report in the preparation of the general appropriations bill.

The budget request made by the State board of education for the central education agency is incorporated, with the exception...., into the departmental article of the appropriations bill. ....

State: Texas

Source of information unless otherwise stated: Vernon's Annotated Revised Civil Statutes of the State of Texas, Vol. 8, Title 49, Education - Public, 1951, with 1961 Cumulative Pocket Part

PART I

Educational Organization

Central Education Agency, with overall power, composed of State Board of Education, State Board for Vocational Education, State Commission of Education, and Department of Education, Article 2654-1, Sec. 1.

State level:

Department of Education: called State Department of Education

how organized: composed of professional, technical and clerical staff of Central Education Agency

established by: Art. 2654-6

if it a body corporate: evidently not

State Board of Education: called State Board of Education

established by: Article 2654-2, Sec. 1 (old Board abolished by Art. 2654-7, Sec. 3)

is it a body corporate: apparently not - "the policy forming and planning body" (Art. 2654-3, Sec. 1)

composition: 21 members, Art. 2654-2, Sec. 1

how selected: general elections, Art. 2654-2, Sec. 5

is confirmation necessary: no

subject to what control: electorate

to whom reporting: Legislature, Art. 2654-3, Sec. 3.

term of office: 6 years, Art. 2654-2, Sec. 5

Chief state school officer: called State Commissioner of Education

office established by: Art. 2654-5, Sec. 1 (old office of State Supt. of Public Instruction abolished, Art. 2654-7, Sec. 3)

how selected: elected by State Board of Education, Art. 2654-5, Sec. 1.

is confirmation necessary: yes, by senate, ibid.

State: Texas

PART I

Educational Organization

State level:- continued (2)

subject to what control: not specifically stated

to whom reporting: State Board of Education, as its executive secretary, Art. 2654-5, Sec. 3.

term of office: 4 years, Art. 2654-5, Sec. 1

Staff and who appoints: directors of major divisions of State Department of Education and all other employees of that Dept. appointed by State Commissioner of Education under general rules and regulations of State Board of Education, Art. 2654-6, Sec. 2.

Other organization or official: called State Textbook Committee

office established by: Art. 2654-4, Sec. 1

is it a body corporate: no

composition: 15 members, no two of whom shall live in same Congressional district, Art. 2654-4, Sec. 2

how selected: nominated by State Commissioner of Education, Art. 2654-4, Sec. 2

is confirmation necessary: yes. Must be approved by State Board of Education, Art. 2654-4, Sec. 3

subject to what control:

to whom reporting: makes recommendation to State Commissioner of Education, Art. 2654-4, Sec. 5

term of office: 1 year, Art. 2654-4, Sec. 2

State: Texas

PART I

Educational Organization (continued)

Intermediate level: (County Unit System, only in some counties)

Organizational unit: called

how organized: by popular vote on question, Art. 2702

composition: schools of county

is it a body corporate: no

Board of education, if any: called County Board of Education

established by: (a) Art. 2703 ((b) Art. 2740a, Sec. 1, for counties
more than 1100 square miles, also various
is it a body corporate: others by population. Separate article
for each size.)

composition: (a) 5 members, Art. 2703; (b) 5 members, Art. 2740a.

how selected: (a) elected at general election, Srt. 2703
(b) elected at school trustee election, Art. 2740a, Sec. 1

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office:

meetings: 4 regular a year, and any special meetings required, Art. 2704

Administrative officer of unit; called County Superintendent of Education

office established by: Art. 2706

how selected: appointed by Board, Art. 2706

is confirmation necessary: no

subject to what control: Board, ibid.

to whom reporting: Board, ibid.

term of office: 2 or 5 years, Art. 2706

staff and who appoints: (a) elementary supervisor and others, rec. by County Supt. and appointed by Bd. of Education, Art. 2728; (b) as recommended by County Supt. and appointed by Board, Art. 2740a, Sec. 4.

State: Texas

PART I

Educational Organization (continued)

Local level or independent — Schools in unorganized counties in county unit system

Organizational unit: called

how organized: by County Board of Education, Art. 2727, Sec. 1

composition: varying

is it a body corporate: no

Board of education: called school trustees

established by: Art. 2730

is it a body corporate: no

composition: not exceeding 3 trustees, Art. 2730

how selected: elected by community, Art. 2730

is confirmation necessary: no

subject to what control: County Board of education, ibid.

to whom reporting: same, ibid.

term of office: not indicated

Administrative officer of unit: called Principal

office established by: Article 2713

how selected: appointed by County Board of Education, Art. 2713.

is confirmation necessary: assignment of principals and teachers made by County Board, may be refused by local school board of trustees, Art. 2732

subject to what control: County Board of Education and County Supt., Art. 2730

to whom reporting: same, ibid.

term of office: not stated

staff and who appoints: as appointed (Art. 2713) and assigned (Art. 2732) by the County Board of Education.

State: Texas

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education: called County school trustees

established by: Art. 2676

is it a body corporate: yes, Art. 2683 (also Art. 2748 annotation)

composition: 5 trustees, Art. 2676

how selected: elected, ibid.

is confirmation necessary: no

subject to what control: district judge in matters affecting boundaries of districts, Art. 2682.
to whom reporting:

term of office: 2 years, Art. 2676

Administrative officer of unit: called County Supt. (but he apparently is above this board in the hierarchy)
office established by: Art. 2688 (2750)

how selected: (a) popular election, ibid.
(b) appointment in certain large counties, by Bd. of County School Trustees, Art. 2688b.
is confirmation necessary: No

subject to what control: St. Commissioner of Education, Art. 2690 (2752)

to whom reporting: St. Commissioner of Education, ibid.

term of office: 4 years (a) Art. 2688a
(b) Art. 2688b
staff and who appoints:

NOTE: In counties having no school supt., the county judge serves in that capacity, ex officio, Art. 2701 (2763-4)
NOTE: In certain counties the County Board of School Trustees may appoint a Rural Supervisor, Arts. 2701a through Art. 2701e-1.

State: Texas

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Common School District

how organized: by population, Art. 2741 (2815-6)

composition: varying in population

is it a body corporate: no, body of district trustees is. See below.

Board of education: called District Trustees, Art. 2748 (2822)
(or Board of Trustees, Art. 2750 - 2822)

established by: Art. 2745 (2818)

is it a body corporate: Yes, Art. 2748 (2822)

composition: 3 trustees, Art. 2745 (2818)

how selected: elected, Art. 2745 (2818)

is confirmation necessary: no

subject to what control: County Supt., Art. 2749 (2823-4)

to whom reporting: County Supt., Art. 2745 (2818)

term of office: 3 years, Art. 2745 (2818)

Administrative officer of unit: called Principal

office established by: Art. 2750a

how selected: Appointment by trustees, *ibid.*

is confirmation necessary: yes, approval by County Supt., Art. 2750a

subject to what control: same and electorate

to whom reporting: same

term of office: maximum 2 years, Art. 2750a

staff and who appoints: District Trustees, art. 2749 (2823-4)
and Art. 2750a

State: Texas

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Independent school districts in unincorporated towns

how organized: incorporated independently, in a then unincorporated town, for 700 or more students, Art. 2757 (2851-54)

composition: territory containing necessary school population, ibid.

is it a body corporate: Yes, for free school purposes only, Art. 2757 (2851-54)

Board of education: called Board of trustees, Art. 2758 (2852-3)

established by: Art. 2758 (2852-3)

is it a body corporate: no, district is. See above.

composition: 7 members, Art. 2758 (2852-3)

how selected: election, ibid.

is confirmation necessary: no

subject to what control: electorate

to whom reporting: City Supt. and State Dept. of Education (Art. 2690 (2752)

term of office: 2 years, Art. 2758 (2852-3)

Administrative officer of unit: called Supt. of Schools

office established by: Art. 2781 (2895)

how selected: Appointment by Board of Trustees, ibid.

is confirmation necessary: no

subject to what control: Board of Trustees

to whom reporting: " "

term of office: not to exceed 3 years, ibid.

staff and who appoints: not stated, but board also appoints teachers and other employees under same authority.

State: Texas

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Independent districts in cities, Art. 2768 (2867-8)

how organized: either as independent units or under control of cities, ibid.

composition: schools in cities, ibid.

is it a body corporate: Yes, Art. 2757 (2851-54)

Board of education: called Board of Trustees

established by: Art. 2774 (2885) appointive or
Art. 2775 (2886) elective

is it a body corporate: no, the district is. See above

composition: 7 trustees Art. 2774 (2885) appointive
Art. 2775 (2886) elective

how selected: (a) appointed by board of aldermen, Art. 2774 (2885)
(b) elected, Art. 2775 (2886)

is confirmation necessary: no

subject to what control:

to whom reporting: St. Commissioner of Education, Art. 2654-5, Sec. 8

term of office: 3 years if appointed, Art. 2774a
2 years if elected, Art. 2777 (2888-9-93)
(variations in above in larger cities)

Administrative officer of unit: called Superintendent

office established by: Art. 2781 (2895)

how selected: appointed by board, ibid.

is confirmation necessary: no

subject to what control: board, ibid.

to whom reporting: board, ibid.

term of office: 3 years (but 5 years in cities with school population of 5000), Art. 2781 (2895)

staff and who appoints: as determined by board, ibid.

State: Texas

Source of information unless otherwise stated: Vernon's Annotated Revised Civil Statutes of the State of Texas, Vol. 8, Title 49, Education - Public, 1951, with 1961 Cumulative Pocket Part

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Central Education Agency

Art. 2654-1, Sec. 1. There is hereby established a Central Education Agency composed of the State Board of Education, the State Board for Vocational Education, the State Commissioner of Education, and the State Department of Education. It shall carry out such educational functions as may be assigned to it by the Legislature, but all educational functions not specifically delegated to the Central Education Agency shall be performed by County Boards of Education or District Boards of Trustees.

Sec. 2. The Central Education Agency shall exercise, under the Acts of the Legislature, general control of the system of public education at the State level. Any activity with persons under twenty-one (21) years of age, which is carried on within the State by other State or Federal Agencies, except higher education in approved colleges, shall in its educational aspects be subject to the rules and regulations of the Central Education Agency.

Sec. 3. The Central Education Agency shall be the sole agency of the State of Texas empowered to enter into agreements respecting educational undertakings, including the providing of school lunches and the construction of school buildings, with an agency of the Federal Government, except such agreements as may be entered into by the Governing Board of a State university or college. No County Board of Education or Board of Trustees of a school district shall enter into contracts with, or accept moneys from, an agency of the Federal Government except under rules and regulations prescribed by the Central Education Agency. Acts 1949, 51st Leg., p. 537, ch. 299, art. I.

State Board of Education

Art. 2654-3, Sec. 1. The State Board of Education is hereby declared to be the policy forming and planning body for the Public School System of the State. It shall also be the State Board for Vocational Education, and as such, said Board shall have all the powers and duties conferred upon it by the various existing statutes now in effect relating to the State Board for Vocational Education.

Sec. 2. It shall have the duties and powers prescribed in the statute for the State Board of Education and the State Board of Vocational Education. As one part of the Central Education Agency, it shall have the specific responsibility for adopting policies, enacting regulations and establishing general rules for carrying out the duties placed upon it or upon the Central Education Agency by the Legislature. The State Commissioner of Education shall be the executive officer through whom the State Board of Education and State Board of Vocational Education shall carry out its policies and enforce its rules and regulations. The State Board of Education shall have power to suspend the operation of its rules and regulations and those of the State Commissioner of Education in individual cases, and shall pass upon appeals made from the decisions of the Commissioner in applying such rules and regulations.

Sec. 3. The State Board of Education shall review periodically the educational needs of the State and adopt or promote plans for meeting these needs. It shall evaluate the outcomes being achieved in the educational program. It shall, with the advice and assistance of the State Commissioner of Education:

(1) Formulate and present to the Board of Control the proposed budget or budgets for operating the Minimum Foundation Program of Education, the Central Education Agency, and the other programs for which it shall have responsibility;

(2) Adopt operating budgets on the basis of appropriation by the Legislature;

(3) Establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted;

(4) Make biennial reports covering all the activities and expenditures of the Central Education Agency to the Legislature;

(5) Establish regulations for the accreditation of schools;

(6) Execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the Legislature; and

(7) Execute contracts for the investment of the Permanent School Fund, within the limits of authority granted by the Legislature. Acts 1949, 51st Leg., p. 537, ch. 299, art. III.

State Textbook Committee

Art. 2654-4, Sec. 1. There is hereby created a State Textbook Committee to replace the present textbook committee created by Senate Bill No. 148, Chapter 144, Acts of the 49th Legislature, Regular Session, 1945, with duties as herein provided.

PART II-continued (3)

Sec. 4. Each of the persons so named shall be experienced and active educators engaged in teaching in the public schools of Texas. At least a majority of the members of the Committee shall be classroom teachers, and all members shall be appointed because of unusual backgrounds of training and recognized ability as teachers in the subject fields for which adoptions are to be made each year.

Sec. 5. It shall be the duty of the Textbook Committee to recommend to the Commissioner a complete list of textbooks which it approves for adoption at the various grade levels and in the various school subjects. It shall examine carefully all books submitted for adoption and shall prepare and publish for free distribution a list of its recommendations to the State Commissioner. The State Commissioner may remove books from such recommended list, but he shall not place thereon any book not recommended by the Committee nor shall he reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the Committee.

The State Commissioner of Education, pursuant to the provisions in the foregoing paragraph, shall submit to the State Board of Education the recommended list of contracts to be awarded each year. The State Board of Education may remove books from such recommended list, but the Board shall not place thereon any book not recommended by the State Commissioner, nor shall the Board reduce to a single adoption any list for a specific grade or subject in which multiple adoption is recommended by the State Commissioner. Said contracts shall be entered into by the Board of Education. Acts 1949, 51st Leg., p. 537, ch. 299, art. IV.

State Commissioner of Education

Art. 2654-5, Sec. 3. The Commissioner of Education shall serve as the executive officer of the Board of Education, and shall be its Executive Secretary.

Sec. 4. It shall be the duty of the State Commissioner of Education to issue teaching certificates to public school teachers and administrators and to voucher the expenses of the central educational agencies according to the rules and regulations prescribed by the State Board of Education. The decisions of the State Commissioner of Education shall be subject to review by the State Board of Education.

Sec. 5. It shall be the duty of the Commissioner of Education to observe and execute the mandates, prohibitions, and regulations established by law, or by the State Board of Education in accordance with law.

Sec. 8. The Commissioner of Education shall serve as Executive officer of the Central Education Agency, and shall be responsible for promoting efficiency and improvement in the public school system of the State. He shall have the power to prescribe such rules and regulations as are necessary to carry out the duties and responsibilities placed upon him by the Legislature and the State Board of Education. He shall recommend to the State Board of Education such policies, rules, and regulations as he considers necessary to promote educational progress, and shall supply the State Board of Education with all necessary or pertinent information to guide it in its deliberations. He shall prescribe and require such uniform systems of reports and records as are necessary to secure needed information from county school officers and from local school districts. He may delegate ministerial and executive functions to members of the State Department of Education. Acts 1949, 51st Leg., p. 537, ch. 299, Art V.

State Department of Education

Art. 2654-6, Sec. 1. There is hereby established the State Department of Education, which shall be the professional, technical, and clerical staff of the Central Education Agency. It shall be organized into such divisions and sub-divisions as shall be established by the State Board of Education upon recommendation of the State Commissioner of Education.

Sec. 2. Directors of major divisions of the State Department of Education and all other employees of the State Department of Education shall be appointed by the State Commissioner of Education under general rules and regulations as adopted by the State Board of Education; and the Director of the Division of Vocational Education shall be the Executive Director for the State Board of Vocational Education. Such rules and regulations pertaining to personnel administration shall include a comprehensive classification plan, including for each class of position an appropriate title, a description of the duties and responsibilities, and the minimum requirements of training, experience, and other qualifications required for adequate performance of the job.

Sec. 3. The functions of the State Department of Education shall be to carry out the mandates, prohibitions, and regulations for which it is made responsible by statute, the State Board of Education, and the Commissioner of Education. It shall have no power over local school districts except those specifically granted in statute, but it shall seek to assist local school districts in developing effective and improved programs of education through research and experimentation, consultation, conferences, and evaluation. In discharging these functions the State Department of Education shall make free and full use of advisory committees and commissions composed of professional educators and/or other citizens of the State. Acts 1949, 51st Leg., 537, ch. 299, art. VI.

Art. 2654-7, Sec. 2. Upon recommendation of the Commissioner of Education, the State Board of Education may authorize and the State Commissioner may appoint, with ratification by the Board of Education, such official Commissions composed of citizens of the State as are necessary to advise the Commissioner of Education in the discharge of his duties. .....

County Board of Education (for schools under the County Unit system)

Art. 2703. The general management, supervision, and control of the public schools and of the educational interests of each county adopting the provisions of this Law, shall be vested in the County Board of Education except as otherwise provided by law, and said Board shall perform such duties as are or may be required of it by law.....

Art. 2708. All the property, estate, effects, money, funds, claims and donations now or hereafter vested by law in the public school authorities of any county for the benefit of the public free schools of any county, are hereby transferred and vested in the county board of education and their successors in office. Said board is authorized, empowered, directed and required to maintain a uniform and effective system of public schools. Real and personal estate granted, conveyed, devised or bequeathed for the use of any particular county, school district, or public school, shall be held in trust by said board for the benefit of any such county, school district, or school. Said board shall determine with and on the advice of the county superintendent of education, the educational policy of the county and shall prescribe rules and regulations for the conduct and management of the schools. The authority vested in said board shall apply to the county as a whole, including all cities and towns therein.

Art. 2709. Said board shall exercise through the superintendent and his professional assistants, control and supervision of the public school system of the county, subject to the provisions of this law. The board shall consult and advise, through its executive officer and his professional assistants, with school trustees, principals, teachers, and interested citizens, and shall seek in every way to promote the interest of the schools under their jurisdiction.

Art. 2740a, Sec. 4. Powers and Duties: The County Board of Education shall appoint, subject to the provisions of this Act, as its executive officer, a County Superintendent of Education, who shall also be the secretary of the County Board of Education, and whose duties shall be the same as are now specified by law and as otherwise defined in this Act. The County Board of Education shall designate the salary of the County Superintendent, subject to the provisions of this Act. The County Board of Education shall appoint such assistants, supervisors, and clerical help for the County Superintendent as may be deemed necessary by this body, subject to the provisions of this Act.

Sec. 5. The County Board of Education may, upon the recommendation of the County Superintendent, provide for the employment of such professional supervision as may be deemed necessary, this to be in lieu of the teachers' institute as now provided by law.....

There is very extensive legislation in Title 49, Education-Public, under Chapter 11, "County Schools", Chapter 12, "County Unit System" and Chapter 13, "School Districts", the interrelationship of which it is difficult to determine. Some of the schools are under the county unit system, and others are not. The Statutes themselves do not show such distribution or the relative importance of the different systems. Much legislation has been enacted to provide for various fiscal and other adjustments as districts are shifted from one system to the other and from one of many classes within each system to another class.

State: Texas

PART II-continued (6)

In Chapter 12 on the County Unit System, Articles 2702 through 2740h (for which no amendments or citations are shown in the 1961 Pocket Part) reference is most frequently made to the County Board of Education, in contrast to the County Board of Trustees or Board of Trustees in other chapters for different types of organizations. In some sections of that Chapter, however, the reference is to the County Board of Trustees, which is confusing, because boards of trustees as described in other chapters have a different status and different powers. This variance may have grown out of the accumulation of statutes enacted at different times and later consolidated into this one chapter without changes to make terminology uniform.

This whole chapter is a collection of some legislation of general application and a very considerable amount of what amounts to special legislation but may pass as general legislation by reason of general terms used. Here are examples:

Art. 2740a, is entitled Supervision of schools in counties of more than 1,100 square miles. There are 8 subsections.

Art. 2740b, is entitled County board of education and superintendent in certain counties, powers and duties. It deals with counties of 15,000 to 20,000 population, and has 15 sections.

Art. 2740c, is entitled Exemption of independent districts from county supervision. It deals with "counties having a population of not less than 8,955 and not more than 8,960" -- the great difference in population of 5 people!

Art. 2740d, entitled County Board of Education in Certain Counties deals with counties with a population of not less than 80,000 and not more than 130,000. It has 10 sections.

Art. 2740f-2 is entitled County Unit System in Counties of 5,600 to 5,750. It has 10 sections.

Art. 2740f-3 is entitled County Unit System in Counties of 7,500 to 7,590. It has 10 sections.

Art. 2740f-4 is entitled County Unit System in Counties of 10,339 to 10,540; powers and duties of Commissioners' Court. There are 11 sections dealing with counties which would be included in the wide difference in population of 201 people.

Art. 2740f-5 is entitled County Unit System of counties of 27,000 to 30,000. This is a substantial difference in population for which only 9 sections were required.

Art. 2740g is entitled County Unit System in Counties having large areas in reforestation. It has 9 sections.

Art. 2740h relates to compensation of members of board of county school trustees in counties of 8,470 to 8,480 school population.

PART II-continued (7)

The reason for such multiplicity of legislation may be suggested by the following provisions in the State Constitution:

"Sec. 56. Local or special laws.--The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:..... (emphasis added)

> "Regulating the affairs of counties, cities, towns, wards or school districts;.....
>
> "Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;
>
> "Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;.....
>
> "And in all other cases where a general law can be made applicable, no local or special law shall be enacted.....

Whatever the reason, however, for the Statutes referred to before this quotation, their presence in the Statute books makes it difficult to describe simply the powers and duties of school officials in different counties.

Similar multiplicity of legislation for other types of school districts, many of which are distinguished by differences in political status, total population, school population, valuation of property and otherwise, makes it difficult to set forth simply the powers and duties of districts and officials not under the county unit system. In both cases, some of the differences relate to distribution of tax money, equalization funds, assessment and collection of taxes, and expenses and salaries for officials. The following description, however, is broadly representative of the general powers of different organizations and officials.

County Unit System, County Superintendent of Education

Art. 2727. Duties of county superintendent

The county superintendent shall see that the laws relating to the schools and the rules and regulations of the State and county boards of education are carried into effect. He shall have authority to administer oaths and to examine witnesses under oath in any part of the county on any matter pertaining to the public schools of the county, and to cause the examination to be reduced to writing. He shall in addition to the other duties required of him hereunder, perform the following duties:

State: Texas

PART II-continued (8)

1. Recommend to the county board of education, the kind, grade, the location of schools and plans therefor to be established and maintained, and the compulsory school attendance and local districts to be established, educational policies to promote the educational interests of the county and rules and regulations for the conduct of the schools, and for the admission of pupils to the junior and senior high schools.

2. Recommend to said board for condemnation, school buildings which are unsanitary and unfit for use. He shall recommend in writing all repairs, purchase of playgrounds, school sites and buildings to be erected with State, county and local aid, and shall see that the plans and specifications, and the rules and regulations of the State Department with reference to the erection, repair, and equipment of the school buildings are carefully followed. He shall approve in writing all contracts of whatever kind entered into by the county board of education.

3. Work out plans for the consolidation of schools, and for the grounds, buildings, and equipment of such consolidated schools and submit the same to said board.

4. Grade and standardize all public schools of the county, prepare rules and regulations therefor, and prescribe courses of study for the schools of the county and submit the same to said board. Printed copies of such courses shall be supplied to every teacher and interested citizen of the county.

5. Be the representative of the State Superintendent in all State examinations for teachers' certificates conducted within the county, and shall perform such duties in connection therewith as may be required by the State Board.

6. Organize and attend county and local institutes for teachers and citizens, advise teachers as to their further study in professional reading, assist parents and citizens to acquire knowledge of the aims and work of the schools, and call conferences with principals, teachers, attendance officers, school trustees and other interested citizens to develop interest in education and improve the condition of the schools.

7. Visit the schools, observe the management and instructions, and give suggestions for the improvement of the same.

8. Prepare an annual school budget for the schools of the county and shall submit the same to said board; and shall in every way seek to secure funds for the support and development of the schools of the county. He shall annually publish in a newspaper printed at the county seat a full itemized statement of the receipts and disbursements of the county at the time he forwarded the same to the State Superintendent.

PART II - continued (9)

9. On or before the first day of July of each year, forward to the State Superintendent, on blanks to be furnished by the latter, an annual report of the public schools of his county for the preceding year and submit a copy of same to said county board. If he fails, neglects, or refuses to make such statement, the county treasurer of the school funds is authorized and instructed to withhold the amount due him for the preceding month or months as salary, until said report has been duly received and approved by the State Superintendent.

County Schools - County Board of Trustees

Art. 2683. Powers of trustees

The county school trustees of each county shall constitute a body corporate, by the name of the county school trustees of ___________ County, State of Texas, and in that name may acquire and hold real and personal property, sue and be sued, and may receive bequests and donations or other moneys or funds coming legally into their hands, and may perform other acts for the promotion of education in the county. The title to any school property belonging to the county, the title of which has heretofore been vested in the County Judge and his successors in office, or any school property that may be acquired, shall vest in the county school trustees and their successors in office for public free school purposes. As amended Acts 1947, 50th Leg., p. 332, ch. 190, sec. 1.

Art. 2688b. Appointment of county superintendent in counties of over 350,000

In all counties having a population in excess of three hundred and fifty thousand (350,000) inhabitants, according to the last available Federal Census, the County Superintendent shall be appointed by the Board of County School Trustees and shall hold office for four (4) years.

Art. 2700, Sec. 2. .....It shall be the duty of the County Board of Trustees to file the budget for County Administration expense with the State Department of Education on or before September first of each scholastic year, the budget to be approved and certified to by the County Board of Education and attested to by the County Superintendent.

Art. 2685. Apportionment of fund

Upon receiving notice from the State Superintendent of the amount of State available school funds apportioned to the county, exclusive of all independent districts having each more than one hundred and fifty scholastics, the county school trustees, acting with the county superintendent, shall apportion all available State and county funds to the school districts as prescribed by law.

Art. 2676. The general management and control of the public free schools and high schools in each county, unless otherwise provided by law shall be vested in five (5) county school trustees elected from the county.....

Art. 2742e, Sec. 2. That on and after the passage of this Act the County Board of School Trustees in any county in this State shall have authority and full power to create Common School Districts, to subdivide districts, and to change boundary lines of any or all Common School Districts legally coming under the jurisdiction of the County Board of School Trustees, subject to the supervision of the District Court having jurisdiction over the county where the County Board is appointed or elected;.....

Art. 2756. All conveyances, devises, and bequests of property for the benefit of the public schools made by any one for any county, city or town, or district, shall, when not otherwise directed by the grantor or devisor, vest said property in the county school trustees, or the board of school trustees of the city or town, or the trustees of the school district, or their successors in office, as the trustees for those to be benefited thereby, and the same, when not otherwise directed shall be administered by said officers under such rules as the State Superintendent may establish.

County Schools - County Superintendent

Art. 2690. Supervision of schools

The county superintendent shall have, under the direction of the State Superintendent [now called State Commissioner of Education], the immediate supervision of all matters pertaining to public education in his county. He shall confer with the teachers and trustees and give them advice when needed, visit and examine schools, and deliver lectures that shall tend to create an interest in public education. He shall spend four days each week visiting the schools while they are in session, when it is possible for him to do so. He shall have authority over all of the public schools within his county, except such of the independent school districts as have a scholastic population of five hundred or more. In such independent school districts as have less than five hundred scholastic population, the reports of the principals and treasurers to the State Department of Education shall be approved by the county superintendent before they are forwarded to the State Superintendent [now called State Commissioner of Education]. All appeals in such independent school districts shall lie to the county superintendent, and from the decisions of the county superintendent to the State Superintendent [now called State Commissioner of Education], and thence to the State Board of Education.

Art. 2691. Teachers' institutes

The County Superintendent or ex-officio County Superintendent in each county may call the white teachers of the county together for one or more meetings, not exceeding three such meetings in any one school year, the number to be determined by the County Board and the County Superintendent, such meetings to be held on Saturday for one or more hours, not to exceed three on any one day, as the program arranged may demand. Similar meetings may be held by the County Superintendent for the colored teachers of the county, should there be any. The County Superintendent may require the attendance of the white teachers upon the meetings for white teachers and the attendance of colored teachers upon the meetings for colored teachers, and teachers shall not receive pay for such attendance. The Board of Trustees of any independent district having five hundred (500) or more scholastic population may authorize the Superintendent of Schools in such district to hold meetings of the teachers of the district in lieu of the county meetings. Provided further that the Superintendent must call any such meetings to be held at a time when the schools of the county are all in session.

Art. 2692. Shall apportion funds

The county superintendent, upon the receipt of the certificate issued by the State Board of Education for the State fund belonging to his county, shall apportion the same to the several school districts, not including the independent school districts of the county, making a pro rata distribution as per the scholastic census, and shall at the same time apportion the income arising from the county school fund to all the school districts, including the independent school districts of the county, making a pro rata distribution as per scholastic census....

Art. 2693. General duties

The county superintendent shall approve all vouchers legally drawn against the school fund of his county. He shall examine all the contracts between the trustees and teachers of his county, and if, in his judgment, such contracts are proper, he shall approve the same; provided, that in considering any contract between a teacher and trustees he shall be authorized to consider the amount of salary promised to the teacher. He shall distribute all school blanks and books to the officers and teachers of the public schools, and shall make such reports to the State Superintendent as may be required by that officer. He shall discharge such other duties as may be prescribed by the State Superintendent.

Common School Districts - Board of Trustees

Art. 2748. Trustees a body corporate

Said trustees shall be a body politic and corporate in law, and shall be known by and under the title and name of district trustees of district number....., and county of ....., State of Texas; and as such may contract and be contracted with, sue and be sued, plead or be impleaded, in any court of this State of proper jurisdiction, and may receive any gift, grant, donation or devise made for the use of the public schools of the district. All reports and other official papers shall be headed with the number of district and name of county.

Art. 2751. Check for payment of teacher

The amount contracted by trustees to be paid a teacher shall be paid on a check drawn on the county treasurer by a majority of the trustees and approved by the county superintendent.

Art. 2749. Control of Schools

Said trustees shall have the management and control of the public schools and public school grounds; and they shall determine how many schools shall be maintained in their school district, and at what points they shall be located; provided, that not more than one school for white children and one school for colored children shall be established for each sixteen square miles of territory or major fraction thereof, within such district; and they shall determine when the schools shall be opened and when closed. They shall have the power to employ and dismiss teachers; but in case of dismissal, teachers shall have the right of appeal to the county and State Superintendents. They shall contract with teachers and manage and supervise the schools, subject to the rules and regulations of the county and State Superintendents; they shall approve all claims against school funds of their district; provided, that the trustees, in making contracts with teachers, shall not create a deficiency debt against the district.

Art. 2750. Contracts with teachers

Trustees of a district shall make contracts with teachers to teach the public schools of their district, but the compensation to a teacher, under a written contract so made, shall be approved by the county superintendent before the school is taught, stating that the teacher will teach such school for the time and money specified in the contract. The board of trustees shall have authority, whenever the average daily attendance exceeds thirty-five pupils, to employ one competent assistant to every thirty-five pupils of such excess and fractional part thereof exceeding fifteen pupils. All children within the scholastic age residing in such district, though they may have settled in such district since the scholastic census was taken, shall be entitled to receive all the benefits of the schools of such district. In a district that levies a special school tax the trustees shall have the right to increase the salaries of teachers and the scholastic age, and may also have the schools taught longer than six months, if it is deemed advisable.

Art. 2750a-1. Contracts with principals, superintendents, and teachers; term; approval by County Superintendent

Trustees of any Common School District or Consolidated Common School District shall have authority to make contracts for a period of time not in excess of two (2) years with principals, superintendents, and teachers of said Common School Districts or Consolidated Common School Districts, provided that such contracts shall be approved by the County Superintendent. No contract may be signed by the Trustees of Common School Districts or Common Consolidated School Districts until the newly elected trustee or trustees have qualified and taken the oath of office.

State: Texas

PART II - continued (13)

Independent School Districts - Board of Trustees

Art. 2772. Property vested in trustees

In every city or town in this State which has or may assume the exclusive control and management of public free schools within its limits, and which has or may determine that such exclusive control and management shall be in a board of trustees,..... Such board of trustees shall constitute a body corporate, and shall have full power to protect the title, possession and use of all such property within the limits of such city or town,.....

Art. 2791. Independent district assessor and collector

There is hereby created the office of assessor and collector of each independent school district, whether created by special or general law, who shall be appointed by the Board of Trustees thereof, and shall have the same power and shall perform the same duties with reference to the assessment and collection of taxes for free school purposes that are conferred by law upon the assessor and collector of taxes in and for any incorporated city, town or village, or upon the person or officer legally performing the duties of such assessor and collector.....

Art. 2781. Teachers' contracts

The Board of Trustees of any city or town or any independent school district may employ a superintendent, principal, teacher, or other executive officers in the schools therein for a term not to exceed three years, provided that the Board of Trustees of an independent school district which had a scholastic population of 5,000 or more in the last preceding scholastic year may employ a superintendent, principal, teacher, or other executive officers in the schools therein for a term not to exceed five years.....

Art. 2780. Power of trustees

Said trustees shall adopt such rules, regulations and by-laws as they may deem proper; and the public free schools of such independent district shall be under their control; and they shall have the exclusive power to manage and govern said schools, and all rights and titles to property for school purposes heretofore vested in the major, city councils, or school trustees by articles 3995, 4013 and 4032, Revised Statutes of 1895, or other statutes, general and special, except such cities as are exempted by this title, shall be vested in said board of trustees and their successors in office; and their claims shall apply to any action or suit which may arise to which said board is a party.

TEXAS

H. B. No. 261

ADOPTION AND FILING OF RULES AND REGULATIONS OF STATE ADMINISTRATIVE AGENCIES

Section 1. Definitions - For the purpose of this Act:
(a) "Agency" means any State board, commission, department, or officer, authorized by law to make rules, except those in the legislative or judicial branches or institutions of higher education.

(b) "Rule" includes every regulation, standard, or statement of policy or interpretation of general application and future effect, including the amendment or repeal thereof, adopted by an agency, whether with or without prior hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include regulations concerning only the internal management of the agency and not directly affecting the rights of or procedure available to the public.

Sec. 2. Adoption of Rules - In addition to other rule-making requirements imposed by law:

(a) Each agency shall adopt rules governing the formal and informal procedures. Such rules shall include rules of practice before the agency, together with forms and instructions.

(b) To assist interested persons dealing with it, each agency shall, so far as deemed practicable, supplement its rules with descriptive statements of its procedures.

(c) Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall, so far as practicable, publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views orally or in writing.

Sec. 3. Filing and Taking Effect of Rules

(a) Within ninety (90) days after the effective date of this Act each agency shall file in the office of the Secretary of State a certified copy of each rule adopted by it now in effect. The Secretary of State shall keep a permanent register of such rules open to public inspection.

(b) Each rule adopted after the effective date of this Act shall take effect not less than thirty (30) days after filing, except emergency rules concerning health, safety and morals may take effect upon issuance.

Sec. 4. Failure to File Voids Rule

Any rule made by any agency not in conformity with this Act shall be void and of no effect.

Sec. 5. Severability

If any provisions of this Act or application thereof to any agency, person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. Effective Date

This Act shall take effect August 31, 1961.

Sec. 7. Emergency Clause

Effective August 31, 1961

Source: Laws and Resolutions Affecting Public Education, Enacted by the 57th Legislature, Regular Session - 1961. Austin: Texas Education Agency, July, 1961.

State: Texas

Source of information unless otherwise stated: Vernon's Annotated Revised Civil Statutes of the State of Texas, Vol. 8, Title 49, Education - Public, 1951, with 1961 Cumulative Pocket Part

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

(1961 Pocket Part)

Art. 2827b. Televising and/or broadcasting of board meetings in counties of 800,000 or more; expenditures

Sec. 1. In addition to all other powers granted or authorized by the law, the Board of Trustees of any independent school district located in a county having a population of eight hundred thousand (800,000) or more, according to the last preceding Federal Census and having a scholastic enumeration of one hundred thousand (100,000) or more, according to the last preceding scholastic enumeration shall have power and authority to make expenditures from local school funds of the district for the purpose of televising and/or broadcasting their meetings.

Sec. 2. This Act shall be cumulative of all laws of this state relating to the purposes for which public free school funds may be expended.

State: Texas

Source of information unless otherwise stated: Vernon's Annotated Revised Civil Statutes of Texas, vol.8, Title 49, 1951 with 1961 Cumulative Pocket Part

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

No 2. Planning the use of AV aids

Yes 3. Preparing curricula

2714, 2911, 2911a

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

No 5. Organizing AV units and cooperative activities

No 6. Conferring on AV use outside of State educational structure

State: Texas

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

2654-4(1), (5), 2839, 2843, 2857, 2866, 2870

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

2740b (15), 2740d (9), 2740a (7), 2827

Yes 10. Financing acquisition by rent or purchase

2727(8)

No 11. Regulating use of AV aids and keeping statistics on use and using personnel

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

2654-5(4), 2675b(8), 2727(5), 2877, 2878, 2880, 2881, 2885, 2886, 2891b (2), (4)

No 15. Prescribing qualifications of using personnel

State: Texas

PART IV (continued)

Yes or
No

Yes 16. Accrediting schools

2654-3 Sec.3(5), 2678a, 2679, 2714, 2724(4), 2727(4)

No 17. Building or remodeling schools to facilitate AV use

Yes 18. Federal aid to schools

2654-1 (3)

Yes 19. State aid to schools

2663, 2665, 2669, 2685, 2692, 2823, 2838, 2922-11, 2922-1b

Yes 20. Private aid to schools

2683, 2708, 2748,

No 21. Library programs

Yes 22. Research programs

2919e-2(12)

Yes 23. Institutes

2691, 2727(6), 2911, 2740a(5)

No 24. Other established procedures

State: Texas

Source of information unless otherwise stated: Vernon's Annotated Revised Civil Statutes of Texas, vol.8, Title 49, 1951 with 1961 Cumulative Pocket Supplement

PART IV (Cont.)

Functional and institutional categories of legal authority which relate or might relate, to A-V media and their use

Topic 3:

Section 2714 directs the County Board of Education to grade and standardize all schools under its jurisdiction, subject to the regulations of the State Board, and prescribe courses of study for same. They are to supply a printed copy of the courses to every teacher and interested citizen. Those courses which are required by law are listed in section 2911. The Board of Trustees of Independent and Common School Districts are authorized by section 2911a to designate certain grades above the second grade in which teaching Spanish may be a part of the curriculum.

Topic 8:

2654-4(1) creates the State Textbook Committee. Its duties are given by 2654-4(5). It is responsible for recommending to the Commissioner a complete list of approved textbooks. This list is also to be published for free distribution. The Commissioner has the authority to remove books from that list, but he is unable to place a book thereon without the approval of the Committee. If he chooses to remove any books, he may not reduce those selected further than to leave two remaining. When he has completed his approval, the Commissioner submits the list to the State Board. The power of the State Board over adding or removing from the list are identical to that conferred upon the Commissioner. Section 2839 is concerned with the makeup of the Committee. The State Board is directed by section 2843 to select and adopt a multiple list of textbooks for the elementary grades. The subjects concerned are listed. Similar provision has been made for the high schools in the same section. In each subject one or more of the texts listed may be selected by local school officials. This section also empowers the State Board to make rules and regulations as to the manner of selection. After the books have been adopted by the State Board, section 2857 directsthe Superintendent of Public Instruction to address a circular letter to the county superintendent and to the president of the school boards in independent school districts which lists those books, their prices, and any additional information deemed advisable. Section 2866 empowers the State Board to purchase and distribute textbooks for the free public schools. The management of this is conferred upon the State Superintendent, subject to the Board's approval, according to section 2870.

State: Texas

PART IV(Cont.)

Topic 9:

Section 2740b (15) makes the County Superintendent in counties of 15,000 to 20,000 responsible for all purchases of equipment and supplies for the various common school districts, when the cost exceeds $25.00. In those counties whose population comes within the 20,000 to 130,000 limitation, section 2740d (9) empowers the district trustees to make all purchases of equipment and supplies, providing the cost exceeds $100.00. The Trustees may authorize the County Board of Education in writing to make some purchases. Section 2740a (7) places this authority in the hands of the District Trustee in counties of more than 1100 square miles. If the cost exceeds $50.00, he must obtain the approval of the County Superintendent. Section 2827 lists a number of purposes for which public free school funds may be expended. In the case of local school funds, they may be used for purchasing appliances and supplies, among the various items included.

Topic 10:

Section 2727(8) directs the County Superintendent to prepare an annual school budget for the schools of his county and submit it to the County Board. He is also to seek in every way to secure funds for the support and development of the schools in the county.

Topic 14:

Section 2654-5(4) states that it shall be the duty of the State Commissioner to issue teaching certificates. His decisions thereon are subject to the review of the State Board. The State Board is also directed to prescribe rules and regulations for the certification of teachers and for the system of examining applicants and otherwise granting certificates for teaching. This language is found in section 2675b-8. The County Superintendent is supposed to represent the State Superintendent in all state examinations for teachers' certificates conducted within the county and shall perform such duties in connection therewith as may be required by the State Board, according to section 2727(5). Section 2877 authorizes the State Superintendent to appoint a State Board of Examiners. Then in section 2876 the County Superintendent is directed to appoint a county board of examiners. It must use the questions prepared by the State Department and conduct the examinations in accordance with the rules prescribed by the State Department. Section 2882 contains a list of prerequisite qualifications such as good moral character. The State Board is responsible for examining the papers of the applicants and reporting the results thereof to the State Superintendent. Section 2885 lists the kind of certificates.

State: Texas

PART IV (Cont.)

Section 2886 is concerned with certificate by examination. It appears that all elementary and high schools of the second classes require certificate following an examination. Section 2891b (2) discusses the authority of the State Board to issue rules and regulations for standards and procedures for the approval of colleges offering programs of teacher education. These rules must not be inconsistent with the provisions of the teacher certification law. Section 2891b (4) contains a number of qualifications for a teaching certificate, all of which are similar to those contained in section 2882, which was repealed in 1955.

Topic 16:

Section 2654-3 Sec. 3(5) directs the State Board with the advice and assistance of the State Commissioner to establish regulations for the accreditation of schools. Section 2678a covers the subject of classification of schools. This function is to be performed by the County Board of Trustees. The county schools are to be divided into elementary and high schools. High schools are then placed into one of the three classes provided in section 2679. Then each class is entitled to receive a certificate of approval or classification from the State Department of Education. Subject to the rules and regulations of the State Board, the County Board on the written recommendation of its secretary has a duty to grade and standardize all the schools under its jurisdiction. This last duty is located in section 2714. The County Superintendent is also responsible for grading and standardizing all public schools in the county, according to section 2727(4).

Topic 18:

Section 2654-1(3) authorizes the Central Education Agency as the only governmental body in Texas empowered to enter educational agreements with the federal government.

Topic 19:

Section 2663 provides that the State Superintendent prorate the available school money to the several counties, cities, towns, and school districts. This is to be done each month. The State Board on the first of August is directed to make an apportionment of the available State School Funds among the various school organizations. This authority, as well as the method of apportionment, are found in section 2665. Section 2669 empowers the State Board to invest the Permanent Public Free School Funds in government bonds. After the County School Trustees are notified of the amount of State available school funds apportioned thereto, section 2685 directs the Trustees, with the County Superintendent, to apportion the funds to the school districts. As for the State funds received from the State Board, the County Superintendent is directed by section

State: Texas

PART IV (Cont.)

Topic 19: (cont.)

2692 to apportion them among the districts, not including the independent school districts. He is also to apportion, at the same time, the income arising fromthe county school fund. This time to include the independent school districts. The Trustees are then to divide the district funds among the various schools. Section 2823 explains the constituent parts of the school fund. It is the State Treasurer who reports on the condition of the Permanent and Available School Funds to the Governor, according to section 2838. Section 2922-11 explains the Foundation School Program Act. Section 2922-16 discusses the financing of this program.

Topic 20:

Among the powers of the County Trustees given by section 2683, they are permitted to receive bequests and donations. The County Boards are authorized by section 2703 to hold any real or personal estate granted, conveyed, devised, or bequeathed for the use of the county, district, or school. The Trustees of a school district are permitted by section 2748 to receive any gift, grant, donation or devise made for the use of the district schools.

Topic 22:

Section 2919e-2 (12) is concerned with the Texas Commission on Higher Education. Among the many responsibilities of that Commission is the making of a continuing study of the needs of the State, for research and for extension and public services. In order to do this, the Commission has the authority to designate the institutions to carry out the programs.

Topic 23:

Section 2691 authorizes the County Superintendent to call the white teachers of the county for no more than three meetings a year. The number is to be determined by the County Board and Superintendent. They are to be held on Saturday, for no more than three hours. Similar meetings may be held for colored teachers. In those counties having a rural school supervisor the teachers are exempt by authority of section 2701a. The County Superintendent is directed by 2727(6) to organize and attend county and local institutes, advise teachers, and call conferences with principals, teachers, attendance officers, school trustees and other interested citizens. Section 2911 requires that each summer normal institute and each county teachers institute employ at least one instructor for the subject of agriculture. The County Board is permitted by section 2740a (5), upon the recommendation of the County Superintendent, to provide for professional supervision in lieu of teachers' institutes.

UTAH (1959-60)

Enrollment in full-time public schools:	
Elementary	178,064
High School	57,870
Number of school districts (including non-operating)	40
Number of elementary schools	401
Number of high schools (including junior high)	153
Expenditure per pupil in average daily attendance	$322

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

UTAH

County and Independent School Superintendencies

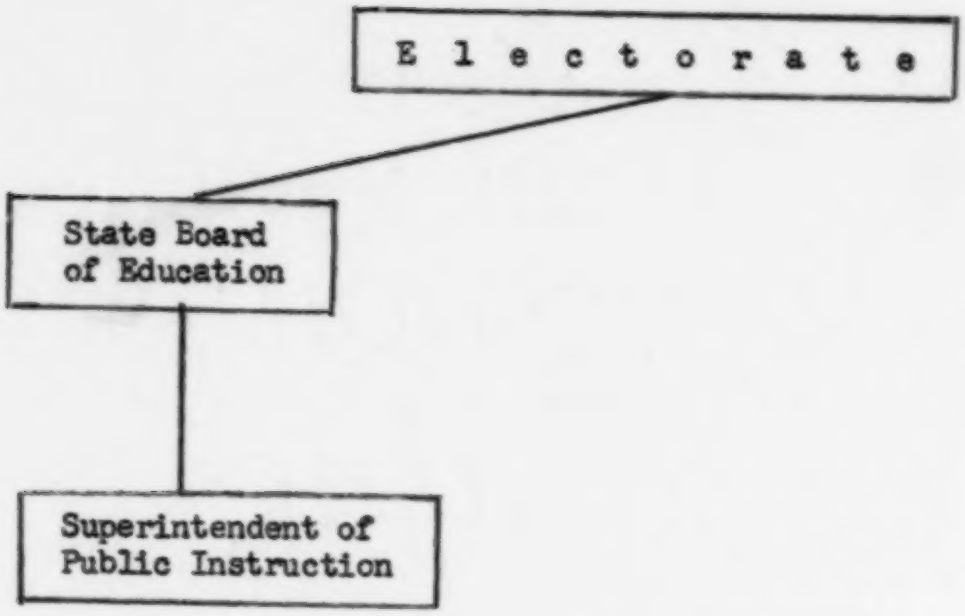
There are 40 school superintendencies in the State: 22 complete, and 2 partial county-unit superintendencies, 11 county district superintendencies, and 5 independent city superintendencies. The counties of Juab, Salt Lake, Sanpete, and Utah, divided into 2 county districts, and Summit County, divided into 3 county districts, do not maintain an office of county superintendent. However, each of these county districts has its own superintendent.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 189.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 145-147.

UTAH

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 9 members, 1 elected by the qualified, registered electors in each election district or appointed to fill an unexpired term by a regional convention of members of district school boards. Each member of the State board of education is and must remain a resident and a qualified and registered elector in the election district he represents. Regularly elected members serve for overlapping 4-year terms.

b. Supplementary programs

State Course of Study Committee (advisory).--Consists of the State superintendent of public instruction, the deans of the State schools of education of the University of Utah and of the Utah State Agricultural College, 3 superintendents appointed by the State board of education, and 5 lay citizens appointed by the governor with the consent of the senate. The superintendents serve overlapping terms of 2 years and the lay citizens overlapping terms of 4 years. The purpose of the committee is to determine what changes, if any, shall occur in courses of study and to formulate a statement of aims, purposes, objectives, and philosophy of education.

State Textbook Commission (administrative).--Consists of the same members as the State course of study committee. The commission decides what textbooks shall be adopted for use in the district schools and the high schools of the State.

3. Chief State School Officer

The State board of education appoints the State superintendent of public education who is the executive officer of the board. He serves at the pleasure of the board. At the time of his appointment, the State superintendent must have been a resident citizen of the State of Utah for the preceding 5 years, must be 30 years of age, and must hold a State certificate of the highest grade issued in some State. The certificate requirement may be waived if he is a graduate of some reputable university, college, or normal school.

7. Coordination of the State Education System Through Structure

The State board of education is primarily responsible for the coordination of the public elementary and secondary program.....

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction and..... are ex officio members of the State textbook commission and State course of study committee.

9. Fiscal Coordination

The three State educational agencies which submit budgets to the State budget officer are the State board of education.......

The State budget officer is appointed by the commission of finance, subject to the approval of the governor. The commission of finance is composed of 3 members appointed by the senate for overlapping 6-year terms. Not more than 2 members of the commission may belong to the same political party. The commission is the executive head of the department of finance. The State budget officer analyzes the proposed educational budgets and submits his findings to the governor. The governor may hold hearings with representatives of the agencies or institutions submitting budgets. He may also revise all estimates except those providing for the payment of principal and interest of the State debt and those for salaries and expenditures specified by the constitution and the laws of the State.

UTAH

(References are to the School Laws of the State of Utah, 1961, unless otherwise stated.)

Organization

The State Board of Education is constituted accordingto section 53-2-1. They are directed to hold meetings at least eleven times a year by section 53-2-11. The general powers and duties of the Board may be found in section 53-2-12. This is the general control and supervision of the public school system. More specific powers are granted by other sections. An example of this is the promotion of libraries in section 53-2-14. The Board also is authorized by section 53-2-15 to issue teachers' certificates. Another power of the State Board is to determine whether the minimum requirements of the uniform school program are met in order to justify support from the state school funds. This language is found in sections 53-2-29 and 53-2-30.

The State Superintendent is appointed by the Board pursuant to section 53-31. Section 53-3-2 states that he is the executive officer of the Board with full power to investigate all matters pertaining to the public school. According to section 53-3-10 he may also call annual conventions of District and City Superintendents. He is also directed by section 53-3-7 to prepare and submit a budget to the Governor. Finally, section 53-3-4 states that the State Superintendent shall advise School officers upon all matters involving the welfare of the schools. His decisions are considered correct and final, until set aside by a court of competent jurisdiction.

Number 130 of the Opinions of the Attorney-General states that the State Board has authority, upon the recommendation of the State Superintendent and not otherwise, to appoint such Directors, Supervisors, and Assistants as seem necessary. This is apparently the only legal authority for the Divisions in the State Department of Education which are listed on page ix of the Utah School Report 1958-60.

Each County shall constitute a County School District, according to section 53-4-1, unless consolidated. The Board of Education of each County School District has five members, elected by the precincts. This language is found in section 53-4-3. Each City of the first and second class is authorized by section 53-4-4 to constitute one school District. These school systems are to be controlled by their own Boards separate and apart from the Counties, according to section 53-4-5. The first class cities have twelve member Boards and the second class cities have five members, all are elected pursuant to section 53-4-6.

Each Board is authorized to appoint a Superintendent by section 53-6-11, and he is to serve for two years. The duties of the Board officers, the president, clerk and treasurer are listed in sections 53-6-14 through 53-6-16. No purchase can be made without the approval of the District Board, according to section 53-6-18. Other powers of the Boards may be found in section 53-6-20. Some of these are; to purchase and sell schoolhouse sites, construct and erect buildings and furnish them, purchase, exchange, repair and improve high school apparatus, books, furniture, fixtures, and all other school supplies, supply and loan all textbooks free of charge, adopt its own by-laws and rules for its own procedure, and make and enforce all rules and regulations needed for the control and management of the District Public Schools.

Among the Divisions within the State Department of Education is the Elementary Division concerned with the elementary schools. Its responsibilities are enumerated on page 8 of the Utah School Report 1958-60. There are also Curriculum Advisory Committees who work under the direction of the Elementary Division. Their activities may be found on pages 8 and 9. Among the services conducted by the Elementary Division are elementary principals' and supervisors' study conferences and consultations in the areas of newer educational media. Similarly, there is a Division on Secondary Education. It is discussed on pages 12 through 23 of the Utah School Report.

Courses of Study

Section 53-14-1 creates the State Course of Study Committee. Its members include the State Superintendent, deans of each of the State schools, three school superintendents appointed by the State Board, and five lay citizens who are appointed by by the Governor with the consent of the Senate. The superintendents serve for two years, while the lay citizens serve for four years. Its meetings are in January, or when necessary. It is responsible for formulating a statement of aims, purposes, objectives and philosophy to guide the public schools.

The State Superintendent is directed to prepare teaching materials and materials of instruction, bulletins, courses of study, and visual education aids as in his judgement will best accomplish the purposes of this act. They are to beincorporated into the regular course of study. This language is found in section 53-14-8, and 53-14-11.

In the Utah School Report 1958-60 on page 6 there is a discussion of curriculum development. It recognizes that the responsibility in this area falss on the Commission and the State Board. Together they have appointed state-wide curriculum committees.

Advising Subordinates and Prescribing Qualifications for Using Personnel

The Governor is authorized by section 53-1-5 to appoint a fact-finding body to make a complete report and study of the scholastic and vocational objectives of the system, the purposes for which the money allotted is used, the degree to which the existing objectives are adapted to the needs and the welfare of the people, and desirable changes. The section which establishes the Utah Educational Authority composed~~f th~~ of the State Board and Superintendent also directs it to cooperate with appropriate agencies. This language is found in section 53-1-11. After consultation with local school authorities, the agency is directed to make surveys and prepare and maintain State standards for the improvement of administrative units.

Local Boards are permitted to appoint any officers which they deem necessary, according to section 53-6-10. They are appointed for the promotion of the interests of the ~~the~~ schools, as well as the protection and improvement of school property. Among the many powers listed in section 53-6-20 is included the power to make and enforce all needful rules and regulations for the control and management of the public schools.

There are many references in the Utah School Report to study conferences which have been utilized . On page 10 is found a discussion of Elementary Principals' and Supervisors' Study Conferences. Among the topics emphasized have been teacher evaluation, improving supervisory competencies and techniques, and such curriculum improvements as the effective use of instructional aids.

On page 11 may be found information on the consultative services of the Elementary Division of the State Department. Other related areas included in the School Report may be found on pages 14, 20 and 24. Then on page 70 is a list of the Administrative Divisions of the State Department and a short discussion of their work.

Organizing Units for the Use of A-V Aids

The School Laws of Utah are not helpful here. On the other hand, the Utah School Report 1958-60 contains numerous references to the use of different units. In the first place there is the Educational Television Division within the State Department. In the Division itself there are committees. This is discussed on pages 28 and 29. The Curriculum Committee working under the direction of the Elementary Division of the Department has established many committees. They are listed on pages 8 and 9. Some committees in the Secondary Division are discussed on pages 14 through 17.

The Secondary School Principles' Association has been especially active in this area. Not only have they organized visual aids clubs but also experimental team teaching. This is information found on pages 20, 21, and 22.

Conferring on the Use of A-V Aids Outside the System

In the Utah School Report 1958-60 on page 7 is a discussion of the White House Conference on Children and Youth. Utah has organized a follow-up committee to design legislation that will emplement the recommendations. The Report also contains information on other conferences conducted by such agencies as the Elementary Principals' and Supervisors' Study Conference, and the Secondary School Principals' Association. This information may be found included in the discussion of the Elementary and Secondary Education~~s~~ Divisions on pages 10 through 24.

Textbooks

The State Textbook Commission consists of the same personnel as the State Course of Study Committee, according to section 53-13-2. They may be found listed in section 53-14-1. The members are to decide what textbooks shall be adopted for use in the District Schools and the high schools. Once determined, their use is mandatory. This language is found in section 53-13-2. If any member of a school board refuse or neglects to enforce the textbooks selected by the Commission, it is punishable by fine and removal from office. So says section 53-13-10.

The Boards then only supply the textbooks as is provided in section 53-6-20.

Selecting and Acquiring A-V Aids

The School Laws of Utah contain no specific reference to A-V Aids. In the related area of textbooks and school supplies it is the local Boards who are responsible. Among the duties enumerated in section 53-6-20 are to furnish school buildings and improvements, purchase, exchange, repair, ,and improve high school apparatus, books, furniture, fixtures, and all other school supplies.

Financing Acquisition

The Superintendent of each school District is the budget officer. The budget he files is to set forth the revenues and expenditures, as well as an estimate of the coming year. It is filed with Clerk of the Board. This language is found in section 53-20-1. Among the duties of the Clerk is to keep an accurate account of the moneys paid to the Treasurer of the Board. This is found in the list made in section 53-6-15. Needless to say the Treasurer of each Board is the custodian of the moneys, according to section 53-6-16. Thus no purchase can be made without the approval and order of the Board of Education in the particular District. That is the flat statement found in section 53-6-18.

Regulating A-V Aids

Unless the provisions of the Utah School Laws which apply to textbooks and courses of study are applicable here, the Laws have no information in this area.

In the Utah School Report may be found a list of the Administrative Divisions of the State Department of Education. This information is on page 70. Following that is a discussion of these Divisions. One of the Divisions is the Research Division. Another is the School Plant Planning Division.

An important Division discussed on page 28 is the Educational Television Division. It contains committees created for the purpose of planning programs, making evaluations, and making teachers guides. Other important Divisions whose duties may relate to A-V Aids Regulation are the Elementary and Secondary Education Divisions. They are discussed on pages 8 through 24.

Distributing A-V Aids

No direct provision covering this area has been found in the Utah School Laws. Perhaps section 53-6-20 would also be the basis for any legal authority here.

Producing A-V Aids

No reference was found in the Utah School Laws which would be pertinent to this area.

In the Utah School Report on page 5 there is a discussion of an Educational Television Committee. However, there has been no authorized central agency yet established.

Certificating Teachers and Accrediting Schools

It is the State Board that is authorized by section 53-2-15 to issue professional teachers' certificates. This section also lists other personnel who obtain their certificates from the Board. The State Board is also empowered by section 53-2-17 to determine the rank and classification of the certificates, as well as the term of their validity. According to section 53-2-21 no person can teach or be employed as a supervisor or superintendent in the State without a certificate. The qualifications of teachers for certificates are determined by the State Board by examination, pursuant to section 53-2-22. The appointment of examiners is permitted by section 53-2-23.

Sections 53-2-29 and 53-2-30 which determine participation in the minimum uniform school program also establishes the minimum standards for that participation. It is the State Board who makes the decision.

Preparing or Remodeling Buildings

The State Superintendent must approve the plans for all school buildings in the County Districts, when they cost more than $5,000. This language is found in section 53-11-2. The Superintendent is also directed by section 53-11-3 to formulate a building code to govern the preparation of plans and specifications for County District school buildings. The code is to include standards for, , not only construction, but also heating and ventilation, along with lighting. Whenever there is discovered to be a nonconformity, he shall make recommendations and the Boards are bound by section 53-11-4 to comply.

According to section 53-6-20 every Board of Education is empowered to construct and erect school buildings and to furnish the same.

There is also a Division of School Plant Planning within the State Department. It renders guidance to school districts in long-range planning of school needs. This is discussed on pages 71, 72, and 73. On page 72 is a chart of School Plant Capital Outlay Needs.

Financial Aid to Education

The Uniform School Fund is established by Article X, section 3 of the Utah State Constitution. Its sources are enumerated by section 53-7-1 of the School Laws. It is the State Board who apportions this fund, according to section 53-7-3. H.B. No. 287 is included in the School laws as repealing sections 53-7-5 through 53-7-8. This Act establishes the State-supported Minimum School Program.

Article X, section 7 of the Constitution also states that the State is to guarantee all public school funds against loss or diversion.

Sections 53-2-29 and 53-2-30 explain the minimum standards of the uniform school program and how the State Board determines who may participate in the funds.

It is the State Auditor who informs the State Superintendent when funds are available for distribution, according to Attorney-General Opinion 123. This is to permit a transfer of funds to the Superintendent to operate his office, pursuant to section 53-3-8.

Other Financial Aid to Education

The State Board, on its own behalf or on behalf of any educational institution it governs, is authorized to accept grants, loans, gifts, endowments, devises or bequests pursuant to section 53-2-32.

As for Federal Funds the State Board is permitted to enter contracts with the United States Department of the Interior for the welfare and education of Indians and to administer the expenditure of funds provided therefore. To be binding the contract must be approved by the District Board. This language is found in section 53-2333.

Number 125 of the Opinions of the Attorney-General authorizes the State to accept federal aid under the NDEA. The State Board is empowered to receive, allocate, and disburse the funds.

1958-1959 revenue receipts are listed in the Utah School Report on pages 114 through 116.

Library and Research Programs

The State Board and Superintendent are designated by section 53-1-11 as the State Library administrative agency. The State Board is directed by section 53-2-14 to promote the establishment of libraries throughout the state. Section 37-2-12 authorizes the city council of any city of the third class, or the Board of Trustees of an incorporated town, and the Board of Education of any School District to cooperate inestablishing a free public library.

Other authority is conferred by section 37-3-9 for the same agencie to cooperate in establishing a library, as well as maintain and administer libraries.

A State Library Commission is established by section 37-4-3. Its nine members are appointed by the Governor for six year overlapping terms.The Secretary of State is an ex-officio member. The powers and duties of the Commission are given in section 37-4-4. They all pertain to the State Library provided for in section 37-5-1. The Commission also is directed by section 37-4-5 to appoint with the consent of the Governor a full-time Director of Libraries, who shall have the immediate supervision of the State Library. Section 37-4-9 also authorizes the Director to contract with non-public libraries to receive library services.

Multi- County, District, or Regional Libraries may be established according to section 37-4-11. The procedure for doing so may also be found there.

In the Utah School Report 1958-60 at page 74 their is discussed the Director of Research, who is the executive officer of the Research Division of the State Department. Among his functions are acting as Executive Secretary-Treasurer of the Utah Educational Research Council and as Treasurer of the Utah Central Research Committee. On pages 74 and 75 may be found a number of the projects either completed or underway.

There is also a Secondary School Principals' Association which has been continuing research studies in more effective utilization of the time and talents of teachers and the facilities with which they work. The Association is discussed on page 20.

State: Utah

Source of information unless otherwise stated: School Laws of the State of Utah, 1961

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 53-14-8. Courses of study.--For the purpose of this act the State superintendent of public instruction shall prepare not later than September 1, 1939, teaching materials and materials of instruction, bulletins, courses of study and visual education aids, such as in his judgment will best accomplish the purposes of this act for the use of boards of education, supervisors, teachers and all other persons employed by any school or other educational agency supported in whole or in part by the state of Utah and shall incorporate the same into the regular course of study for use by schools or other education agencies of the state; such supervision, teaching materials and materials of instruction, bulletins, courses of study, visual education aids and etc. shall also provide suggestions and plans for the volunteer uniting of the efforts of educational, civic, community and church organizations to accomplish the purposes of this act.

Sec. 53-14-11. Materials included in course of study.--For the purpose of this act the state superintendent of public instruction shall prepare by September 1, 1939, teaching materials and materials of instruction, bulletins, visual aids and etc., such as in his judgment will best accomplish the purposes of this act and shall incorporate the same into the regular course of study for use by schools or other educational agencies of the state, such bulletins shall also provide suggestions and plans for the volunteer uniting of the efforts of educational, civic, community and church organizations to accomplish the purposes of this act.

Sec. 53-2-29 provides in part that the minimum uniform school program shall include the expenditure for educational supplies and equipment in such proportionate amounts as will provide for efficient instruction, the proportionate amount to be expended for such purposes to be determined by the State Board of Education from studies made annually under its direction.....

State: Utah

PART III - continued (2)

Utah School Report, 1958-60:

(1) 2. Creation of an Educational Television Commission (page 5)

At the present in Utah there is no authorized central agency equipped to respond to the increasing number of queries and requests relative to channel allocations, technical assistance and standards for districts in the operation of television stations and programs. The problem is much broader than the relationship of KUED. Experiments with school broadcasts the last two years indicate the need for an official commission to assure the maximum amount of cooperation and use of facilities with the minimum amount of costs involved.

(2) - Page 8 Curriculum Committee and Workshop Activities

Curriculum Advisory Committees working under the direction of the Elementary Division have concerned themselves with new areas of emphasis, promotion of improved instructional practices, and provision of textbooks and other materials of instruction. A brief summary of the activities of these follows.....

H. Foreign Language Committee

1. Coordinated foreign language television program with classroom activity.

2. Began a Teacher Manual for Televised French

(3) - Page 10 Administration and Supervision of NDEA, Title III

The Elementary Division cooperated in designing the Utah State Plan for participation in the National Defense Education Act, Title III Program, for improvement of instruction in mathematics, science, and modern foreign language. The Division cooperated also in the development of "Handbook of Instructions" for use of local administrators. In addition, the following types of materials were prepared specifically for elementary NDEA program:

1. Lists of equipment and instructional materials approvable for purchase in elementary science, mathematics, and foreign language program......

Possibilities of utilizing educational television facilities to provide instruction in foreign language in the elementary schools were explored. Participation in a modern foreign language program at elementary level had been limited to 444 children prior to 1959-1960 school year. During that year, 4629 children completed first year French and 2600 completed first year Russian by television. Success of the programs warranted continued activity in 1960-61. The programs were handicapped by inadequate funds......

3. Curriculum improvement.....
   b. New guides and teaching aids.
   c. Effective use of instructional aids.

State: Utah

PART III - continued (3)

(4) - Page 12 - Secondary Education

C. Foreign Languages

p. 13-14 - The State Director of Secondary Education in October and November 1959 held fourteen regional conferences at which a two-hour session was conducted with foreign language teachers of each region. The purpose of this conference was to acquaint Foreign Language teachers with NDEA application procedures, new methods in foreign language teaching, existing materials, available teaching and supplementary materials, demonstration of audio equipment, etc.

G. Science - p. 15

A series of eighteen television programs relating to the flora and fauna of Utah are being prepared. The Science Supervisor has cooperated in this endeavor with the Assistant Director of Elementary Education, the Director of Educational Television, and resource people from the universith that will produce the program.

H. Social Studies, pages 16 and 17

The Secondary Committee has also done the basic work on two supplements--one on suggested units of work for each of the six grade levels; the other a bibliography of enrichment materials such as films, filmstrips, tapes, pamphlets, etc.

During the 1959-60 school year American history teachers in seven Utah high schools used the three-day-a-week, half-hour telecast of University of Utah American History 71, 72 and 73 as enrichment to the regular eleventh grade American History course. This experimental program was initiated by the Division of Secondary Education in cooperation with the Division of Educational Television and Station KUED.

The Division has also actively cooperated with the Division of Educational Television in developing a series of 19 television programs as enrichment to the seventh grade course in Utah History and Community Problems.

(5) - Page 17 - Title III, National Defense Education Act of 1958

Title III of the NDEA has provided increased opportunities to improve instruction in science, mathematics and modern foreign languages in the junior and senior schools of the state.

Foreign language - p. 17

The NDEA has made possible the acquisition of foreign language equipment and materials and provided supervisory services, as well as supplementary aid from Title VI and VII which helps to provide retraining of teachers, materials development and research in mass media, etc.

State: Utah

PART III - continued (4)

Mathematics - p. 18

Title III of NDEA has helped to bring new equipment and modern reference materials to many mathematics classrooms in the secondary schools of Utah.....Preliminary observations indicate that this new equipment such as audio-visual equipment, charts, graphs, geometrical models, reference materials, mathematical instruments, chalkboard instruments and sliderules, will greatly enrich the teaching-learning process in Utah's secondary mathematics classrooms.

(6) - Page 20 - Work of the Secondary School Principals' Association of Utah

In cooperation with the Division of Secondary Education, the Secondary School Principals' Association has devoted major efforts to the following:

B. Continuation of Research Studies on the Utilization of Staff in the Secondary School.

1. Para-professional and Other Assistants

The assistants corrected test papers and themes; did routine clerical tasks; provided remedial instruction for those in need of special help and seminar-type assistance for the academically talented; conducted class periods during which films, filmstrips and recordings were used; and functioned in a variety of similar ways. However, basic responsibility for the teaching-learning process remained with the regular teacher. Logan High School is continuing the program on their own.

4. Vocational Information Guidance Project

The project contemplated dividing the world of work in eleven general occupational categories and developing 24 sets or filmstrips accompanied by sound tapes for use in experimental programs in the classroom.

(7) - Page 21 - mentions visual aids club.

(8) - On page 28 the Utah School Report has this to say:

From August 1959 to October 1960 the Office of the Director of Educational Television has been a part-time appointment.

Division Organization

1. The division has been served by a part-time director and a part-time secretary.

2. An advisory committee was appointed, made up of department staff members, several district superintendents, and KUED representatives. This committee has convened on an average of once a month.

State: Utah

3. An even broader committee organization was established consisting of one educational television representative from each district lying within the coverage area of KUED.

4. Many special committees have been created during the year for the purpose of planning programs, making evaluations and preparing teacher guide materials.

5. Inasmuch as the part-time director served in a similar capacity for Salt Lake City Schools, there has been some organizational overlapping, which in most instances, has been to the advantage of both groups.

State: Utah 44

Source of information unless otherwise stated: School Laws of the State of Utah, 1961

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

Secs. 53-2-11, 53-1-11
also Part III

Yes 3. Preparing curricula

(a) Secs. 53-14-1, 53-14-8, 53-14-11
Utah School Report, 1958-60, p. 6

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Secs. 53-1-11(2), 53-14-8, 53-14-11

Yes 5. Organizing AV units and cooperative activities

(b) Utah School Report, 1958-60, pp. 8, 9, 14-17, 20-22, 28, 29

Yes 6. Conferring on AV use outside of State educational structure

(b) Utah School Report, 1958-60, pp. 7, 10-24

State: Utah

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(b) Sec. 53-14-8, 53-14-11

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Secs. 53-13-1, 53-14-1, 53-13-2, 53-13-10, 53-6-20

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

See Topic #7 above.
Sec. 53-6-20

Yes 10. Financing acquisition by rent or purchase

(a) Secs. 53-20-1, 53-6-15, 53-6-16, 53-6-18

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Utah School Report, pp. 8-24, 28, 70
Secs. 53-2-14, 53-13-1, 53-14-8, 53-14-11

Yes 12. Distributing AV aids

(a) Sec. 53-6-20

Yes 13. Producing AV aids

(b) Utah School Report, p. 5

Yes 14. Certificating teachers and AV professionals

(a) Secs. 53-2-15, 53-2-17, 53-2-21, 53-2-22

Yes 15. Prescribing qualifications of using personnel

Utah School Report, pp. 10, 14, 20, 24, 70
Sec. 53-2-22

State: Utah

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Secs. 53-2-29, 53-2-30

Yes 17. Building or remodeling schools to facilitate AV use

(b) Secs. 53-11-2, 53-11-3, 53-11-4, 53-6-20
Utah School Report, pp. 71, 72, 73

Yes 18. Federal aid to schools

Sec. 53-2-32
Utah School Report, 1958-60, pages 114-116.

Yes 19. State aid to schools

Secs. 53-7-1, 53-7-3, 53-7-14 through 53-7-25,
53-2-29, 53-2-30, 53-11-33, 53-11-40

Yes 20. Private aid to schools

Sec. 53-2-32

Yes 21. Library programs

(a) Secs. 53-1-11, 53-2-14, 37-2-12, 37-3-9, 37-4-3, 37-4-4,
37-5-1, 37-4-9, 37-4-11

Yes 22. Research programs

(a) Utah School Report, 1958-60, pp. 20, 74, 75
53-1-5, 53-1-11(2), 53-3-2

Yes 23. Institutes

Utah School Report, 1958-60, pages 11, 17

Yes 24. Other established procedures

Secs. 53-1-15, 53-3-10
Utah School Report, 1958-60, p. 10

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

Generally, Sec. 53-2-11 setting out the general powers and duties of the State Board of Education would seem sufficient authority to empower that agency with the planning of use of AV aids. Particularly applicable is the provision giving to the State Board the general control and supervision of the public school system.

Sec. 53-1-11 provides that the State Board and State Superintendent are the state educational authority with the power to formulate educational plans. This power can certainly be used to formulate plans for the use of AV aids.

Also see Part III, Educational Television Commission.

Topic 3 - Preparing curricula

Sec. 53-14-1 creates the State Course of Study Committee. Its members include the State Superintendent, deans of each of the State Schools, three school superintendents appointed by the State Board, and five lay citizens who are appointed by the Governor with the consent of the Senate. This committee is responsible for formulating a statement of aims, purposes, objectives and philosophy to guide the public schools.

The State Superintendent is directed to prepare teaching materials and materials of instruction, bulletins, courses of study and visual education aids.....Sec. 53-14-8. They are to be incorporated into the regular course of study, Sec. 53-14-11. (See Part III.)

In the "Utah School Report, 1958-60," on page 6, there is a discussion of curriculum development. It recognizes that the responsibility in this area falls on the Course of Study Committee, Textbook Committee and the State Board; together they have appointed State-wide curriculum committees.

Topic 4 - Advising subordinate units and teachers on use of AV aids

Sec. 53-1-11(2) which establishes the Utah Educational Authority, composed of the State Board and State Superintendent, directs the authority to cooperate with the subordinate educational units. This necessarily entails advising.

Under the authority of Secs. 53-14-8 and 53-14-11 giving the State Superintendent the power to prepare teaching materials including visual materials, he would necessarily publish a list of the materials he has decided to use. (See Part III.)

Topic 5 - Organizing AV units

The School Laws of Utah are not helpful here. On the other hand the "Utah School Report, 1958-60," contains numerous references to the use of different units. In the first place there is the Educational Television Division within the State Department. In the Division there are committees (see pages 28, 29).

State: Utah

PART IV - continued (5)

The Curriculum Committee working under the direction of the Elementary Division of the Department has established many committees (see pages 8 and 9). Committee under Secondary Division is discussed on pages 14 through 17.

The Secondary School Principals' Association has been especially active in this area. Not only have they organized visual aid clubs but also experimental team teaching (see pages 20, 21 and 22).

Topic 6-Conferring on the use of AV aids outside of the State educational structure

In the "Utah School Report, 1958-60" pages 7 through 24 in effect provide for a follow-up committee to design legislation that will implement the recommendations of the White House Conference on Children and Youth.

The report also contains information on other conferences conducted by such agencies as the Elementary Principals' and Supervisors' Study Conferences, and the Secondary School Principals' Association.

Topic 7 - Selecting AV aids

Secs. 53-14-8 and 53-14-11 provide that the State Superintendent shall prepare teaching materials, materials of instruction and visual aids to be incorporated into the regular course of study. (The State Superintendent would seem to be the agency that would select the AV aids to be used in the public schools to further the prescribed courses of study.)

Topic 8 - Selecting textbooks

The State Textbook Commission consists of the same personnel as the State Course of Study Committee (see Secs. 53-13-1, 53-14-1). The members are to decide what textbooks shall be adopted for use in the district schools and the high schools. Once determined their use is mandatory, Sec. 53-13-2.

Sec. 53-13-10 provides that if any member of a school board refuses or neglects to enforce the textbooks selected by the Commission, he may be punished by fine and removal from office.

Sec. 53-6-20 provides for distribution of the textbooks (see Topic 12).

Topic 9 - Acquiring AV aids

Sec. 53-6-20 provides that the boards of education have authority to furnish school buildings and improvements, purchase, exchange, repair, and improve high school apparatus, books, furniture, fixtures, and all other school supplies.

State: Utah

PART IV - continued (6)

Topic 10 - Financing Acquisition

Sec. 53-20-1 - The superintendent of each school district is the budget officer. He is to prepare and file a budget which sets forth the revenues and expenditures, as well as an estimate of the coming year. The budget is filed with the clerk of the board. The clerk has the duty of keeping an accurate account of the moneys paid to the treasurer of the board, Sec. 53-6-15. The treasurer is the custodian of the moneys, Sec. 53-6-16. No purchase can be made without the approval and order of the board of education in the particular district, Sec. 53-6-18.

Topic 11 - Regulating use of AV aids

The general power giving the State Board general control and supervision over the public school system is authority for the regulation of AV use, Sec. 53-2-14.

Sec. 53-13-1 creating the textbook committee with the power of selecting and requiring the use of certain textbooks would be relevant authority for regulating AV use.

Possibly Secs. 53-14-8 and 53-14-11 authorizing the State Superintendent to prepare visual aids and to incorporate them into the course of study in the schools would present the proper agency for regulating AV use.

Also relevant are the administrative divisions discussed in the Utah School Report, 1958-60. These divisions function in the field of planning, making evaluations, research and making teachers' guides. It is possible that through these divisions effective AV regulation can be attained.

Topic 12 - Distributing AV aids

Sec. 53-6-20 provides the district boards of education shall supply and loan to pupils in the several grades and departments, except the high schools, free of charge all textbooks and supplies used by the pupils. It may sell to pupils in the several grades and departments at cost all textbooks and supplies used by the pupils, and collect all books and apparatus loaned to pupils of the public schools.....

This section makes it clear that the local school board is the agency for distribution either by sale or loan of all materials used in the schools.

Topic 13 - Producing AV aids

Utah School Report, 1958-60, p. 5 - at the present in Utah there is no authorized central agency equipped to respond to requests for aid in the operation of television stations or programs.

The State Board in 1960 submitted to the State Legislature a bill that in part would provide for the creation of an Educational

Television Commission. If this would pass, there would be an agency for the production of AV aids.

Topic 14 - Certificating teachers

Sec. 53-2-15 authorizes the State Board to issue professional teachers' certificates.

Sec. 53-2-17 the State Board is empowered to determine the rank and classification of the certificates, as well as the term of their validity.

Sec. 53-2-21 provides that no person can teach or be employed as a supervisor or superintendent without a certificate.

Sec. 53-2-22 provides that the qualification of teachers for certificates are determined by the State Board by examination.

Topic 15 - Prescribing qualifications

As stated in Topic 14, the State Board pursuant to Sec. 53-2-22 has the authority to determine the qualification of teachers by examination. It is reasonable to assume the same procedures would be used to qualify AV personnel.

There are many references in the "Utah School Report, 1958-60" which may aid in determining the qualifications of AV personnel. The references are to study conferences which have evaluated teacher training, supervisory techniques and the effective use of instructional aids.

Topic 16 - Accrediting schools

Sec. 53-2-29 provides that the State Board shall by rule fix the standards upon which, and the period during the year that, high schools shall be maintained. The State Superintendent shall cause all high schools to be inspected at least once during each year.

Sec. 53-2-30 - The State Board shall determine whether the standard requirements are complied with and shall have power to determine whether the quality of education offered in each school district justifies support from state school funds.

"Utah Report 1958-60", p. 23, states that at the present time accreditation in Utah is limited to high schools. This function has been carried out in cooperation with the Northwest Association of Secondary and High Schools, a voluntary regional accrediting association.

Each year the Utah State Accrediting Committee visits approximately a third of the high schools of the state, including those applying for initial membership.

PART IV - continued (8)

The Utah State Accrediting Committee, in cooperation with the State Department, universities and local districts, also assists with the evaluation of a total school program. Initial membership in the Northwest Association requires such an evaluation.

Topic 17 - Building or remodeling schools

Sec. 53-11-2 provides that the State Superintendent must approve the plans for all school buildings in the county districts when the cost is more than $5,000.

Sec. 53-11-3 directs the State Superintendent to formulate a building code to govern the preparation of plans and specifications for county district school buildings.

Sec. 53-6-20 provides that every board of education is empowered to construct and erect school buildings and to furnish the same.

There is also a Division of School Plant Planning with the State Department. It renders guidance to school districts in long range planning of school needs. See pages 71, 72 and 73, "Utah School Report, 1958-60."

Topic 18 - Federal aid

Sec. 53-2-33 provides that the State Board is permitted to enter contracts with the United States Department of the Interior for the welfare and education of Indians and to administer the expenditure of funds provided therefor. To be binding the contract must be approved by the district board.

No. 125 of the opinions of the Attorney-General authorizes the State to accept federal aid under the NDEA. The State Board is empowered to receive, allocate, and disburse the funds. (See Part III.)

1958-1959 revenue receipts are listed in the "Utah School Report, 1958-60", pages 114-116.

Topic 19 - State aid

Sec. 53-7-1 provides for a Uniform School Fund established by Article X, Sec. 3, of the State Constitution. Its sources are enumerated in this section. Sec. 53-7-3 states that the State Board shall apportion this fund.

Sec. 53-7-14 establishes a Minimum School Finance Act. Sec. 53-7-15 states that the purposes of this act is to provide a minimum school program for the state. Sec. 53-7-17 - the total cost of the operation and maintenance of this program shall be divided betwen the State and the various school districts. Each district shall impose a minimum basic tax levy on all taxable, tangible property in the school district and contribute the proceeds toward the cost of the program.

Sec. 53-8-18 - The State shall contribute out of the Uniform School Fund (see above) to each district that portion of the cost of the school program that exceeds the minimum basic levy. A district must make this levy before it qualifies for the State aid.

Sec. 53-7-19 establishes a leeway program. The districts are to levy a 4 mill tax for the purpose of meeting costs over and above funds received from the minimum school program. If that amount is still not sufficient, the state shall contribute a sufficient amount to cover the remainder.

Secs. 53-7-20 to 53-7-25 discusses the particulars of this School Finance Act.

Sec. 53-2-29 provides that the State Board shall determine the proportional amount to be expended by the school districts for educational supplies and equipment to be determined from studies made annually under its direction.

Sec. 53-2-30 provides that the various schools may not participate in the distribution of school funds unless they comply with the minimum standards prescribed by the State Board.

Sec. 53-11-33 creates a continuing building fund to aid the districts in establishing schoolhouses. Sec. 53-11-40 provides for additional State building aid upon a showing of need.

Topic 20 - Private aid

Sec. 53-2-32 - The State Board, on its own behalf or on behalf of any educational institution it governs, is authorized to accept grants, loans, gifts, endowments, devises or bequests.

Topic 21 - Library programs

The State Board and Superintendent are designated by Sec. 53-1-11 as the State Library administrative agency. The State Board is directed by Sec. 53-2-14 to promote the establishment of libraries throughout the State. Sec. 37-2-12 authorizes the city council of any city of the third class, or the Board of Trustees of an incorporated town, and the Board of Education of any School District to cooperate in establishing a free public library.

Other authority is conferred by Sec. 37-3-9 for the same agencies to cooperate in establishing a library, as well as maintain and administer libraries.

A State Library Commission is established by Sec. 37-4-3. Its nine members are appointed by the Governor for six year overlapping terms. The Secretary of State is an ex-officio member. The powers and duties of the Commission are given in Sec. 37-4-4. They all pertain to the State Library provided for in Sec. 37-5-1. The Commission also is directed by Sec. 37-4-5 to appoint with the consent of the Governor a full-time Director of Libraries, who shall have the immediate supervision

PRECEDING PAGE MISSING

of the State Library. Section 37-4-9 also authorizes the Director to contract with non-public libraries to receive library services

Multi- County, District, or Regional Libraries may be established according to Sec. 37-4-11. The procedure for doing so may also be found there.

Topic 22 - Research programs

Sec. 53-1-5 authorizes the Governor to appoint a fact-finding body to make a complete report and study of the scholastic and vocational objectives of the school system, the purpose for which the money is allocated, the degree to which the existing objectives are adapted to the needs of the people, and desirable changes.

Sec. 53-1-11(2) provides that the State Board after consultation with local school authorities is directed to make surveys.....for the improvement of administrative units.

Sec. 53-2-29 provides that the State Board will conduct studies in order to determine the proportionate amount of the school funds to be expended on educational supplies and equipment in order to provide for efficient instruction.

Sec. 53-3-2 provides that the State Superintendent shall have full power to investigate all matters pertaining to the public schools .....

In the Utah School Report 1958-60 at page 74 there is discussed the Director of Research, who is the executive officer of the Research Division of the State Department. Among his functions are acting as Executive Secretary-Treasurer of the Utah Educational Research Council and as Treasurer of the Utah Central Research Committee. On pages 74 and 75 may be found a number of the projects either completed or underway.

There is also a Secondary School Principals' Association which has been continuing research studies in more effective utilization of the time and talents of teachers and the facilities with which they work. The Association is discussed on page 20.

Topic 23 - Institutes

The "Utah School Report, 1958-60",at page 11 discusses consultant services performed by the Elementary Division of the State Department. They have been made available to, among others, district institutes.

At page 17 the report states that the foreign language teachers have received excellent retraining under the NDEA Summer Institute program. This is especially helpful because the most significant use of audio-visual aids has been in the area of foreign language. (See pages 8 through 17, "Utah School Report, 1958-60".)

State: Utah

PART IV - continued (12)

Topic 24 - Other established procedures

Sec. 53-1-15 creates the Utah School Boards Association. This association would be one logical place to introduce the use of audio-visual equipment.

Sec. 53-3-10 provides for an annual conference of school officers to discuss questions pertaining to the schools.

There are many references in the "Utah School Report, 1958-60" to study conferences. On page 10 is found a discussion of Elementary Principals and Supervisors Conferences. Among the topics discussed have been teacher evaluation, improving supervisory competencies and techniques, and such curriculum improvements as effective use of instructional aids.

VERMONT (1959-60)

Enrollment in full-time public schools:

Elementary	56,725
High School	16,097
Number of school districts (including non-operating)	263
Number of elementary schools	402
Number of high schools (including junior high)	85
Expenditure per pupil in average daily attendance	$344

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

VERMONT

Supervisory Union and Independent School Superintendencies

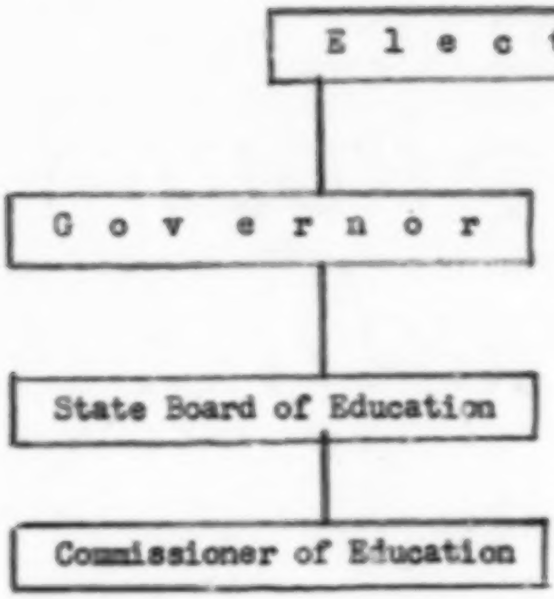
There are 54 school superintendencies in the State: 44 supervisory union and 10 independent city superintendencies. There are no county school superintendents in the State. The general administration of public schools is under the jurisdiction of a supervisory union or independent city superintendent. In this State, two or more towns combine to form a supervisory union superintendency, each of which employs a superintendent who has jurisdiction over all schools in the union. Each supervisory union is designated by name and is listed under the county in which it is located.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 190.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 147-149.

VERMONT

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 7 members appointed by the governor, with the advice and consent of the senate, for overlapping 6-year terms. In the appointment of members, consideration is given to the selection of persons who adequately represent all sections of the State. At least 2 of the members are women.

b. Supplementary programs

Advisory Committee on Alcohol Education (advisory).--Consists of 5 members appointed by the commissioner of education, with the approval of the State board of education, for indefinite terms. The number of members on the committee and their qualifications are left to the discretion of the State board of education. The committee was established to assist the State department of education in planning and putting into effect a program of alcohol education for the public schools. The commissioner of education is authorized to appoint a supervisor of alcohol education, with the approval of the State board of education, to supervise the preparation and implemention of the program.

3. Chief State School Officer

The State board of education selects a commissioner of education, subject to the approval of the governor, who serves as the chief executive officer and secretary of the board. The commissioner is appointed for an indefinite term and is subject to removal upon the majority vote of the entire board. The law directs that he shall be a trained and skilled executive officer with special training and experience in educational work.

7. Coordination of the State Education System Through Structure

The State board of education is primarily responsible for the coordination of the State program of public elementary and secondary education....

9. Fiscal Coordination

The State board of education files its budget with the auditor and treasurer of the State. .....

The auditor and treasurer have no authority to make or recommend changes in the State board of education budget. Their responsibility is primarily that of providing supplemental data required by the governor or governor-elect when preparing budgetary recommendations for the general assembly. They also render such other assistance as is requested by the governor or governor-elect in the preparation of the State budget. In making up the State budget the governor is empowered to revise, increase, decrease, or eliminate the estimated amount needed by an educational activity, but he must include in his budget message to the general assembly the reasons for his action.

State: **Vermont**

Source of information unless otherwise stated: **Vermont Education Laws, reprinted from Title 16 and others, Vermont Statutes Annotated.** (no date of publication; however, internal references to amendments and citations indicate date of publication after the 1959 legislative session)

PART I

Educational Organization

State level:

Department of Education: called **Department of Education**

how organized:

established by:

is it a body corporate: **no**

State Board of Education: called **State Board of Education**

established by: **Ch. 3, Sec. 141**

is it a body corporate: **no**

composition: **7 members, 2 of whom shall be women, Ch. 3, Sec. 141**

how selected: **appointed by the governor, Ch. 3, Sec. 141**

is confirmation necessary: **with advice and consent of the senate, Ch. 3, Sec. 141**

subject to what control:

to whom reporting: **General Assembly, Ch. 3, Sec. 150**

term of office: **6 years, Ch. 3, Sec. 141**

Chief state school officer: called **Commissioner of Education, Ch. 5, Sec. 201**

office established by: **Ch. 5, Sec. 201**

how selected: **Selected by the Board, Ch. 5, Sec. 201**

is confirmation necessary: **subject to approval of Governor, Ch. 5, Sec. 201**

subject to what control:

to whom reporting: **State Board of Education, Ch. 5, Sec. 201**

term of office: **indefinite term, Sec. 201, Ch. 5**

staff and who appoints: **Deputy commissioners and helping teachers employed by Board, Ch. 5, Sec. 203.**

Other organization or official: called

State: **Vermont**

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called **Supervisory union, Ch. 7, Sec. 261**

how organized: **several school districts, Ch. 7, Sec. 261**

composition: **several school districts, Ch. 7, Sec. 261**

is it a body corporate: **no**

Board of education, if any: called **Board of Supervisory Union (school directors)**

established by: **Ch. 7, Sec. 262**

is it a body corporate: **no**

composition: **representative of each school district board,**
(boards with 3 or more members may have 3 representatives)
how selected: **Ch. 7, Sec. 265 & 266**
elected by representative boards,
is confirmation necessary: **Ch. 7, Sec. 265 & 266**
no

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called **Union Superintendent**

office established by: **Ch. 7, Sec. 301**

how selected: **by members of the board, Ch. 7, Sec. 301**

is confirmation necessary: **on previous recommendation of Commissioner, Ch. 7, Sec. 301**

subject to what control:

to whom reporting:

term of office: **may be removed by majority vote of school directors. Ch. 7, Sec. 304**

staff and who appoints:

State: Vermont

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Town School District

how organized:

composition: town district shall consist of part of town not in incorporated school district, Ch. 9, Sec. 361

is it a body corporate: yes, by implication

Board of education: called Board of School Directors, Ch. 9, Sec. 381

established by: Ch. 9, Sec. 381

is it a body corporate: district is, see above

composition: 3 legal voters of town district, Ch. 9, Sec. 381

how selected: 1 elected by ballot at each annual meeting of town school district, Ch. 9, Sec. 381

is confirmation necessary: no

subject to what control:

to whom reporting: Town School Distfict, Ch. 9, Sec. 388

term of office: 3 years, Ch. 9, Sec. 381

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints: Board of School Directors appoints truant officers, Ch. 9, Sec. 414

State: Vermont

PART I

Educational Organization (continued)

Local level or indeoendent

Organizational unit: called Union school district
Union high school district

how organized:

composition: 2 or more town school districts or incorporated school districts, Ch. 11, Sec. 571

is it a body corporate: yes

Board of education: called Joint school boards

established by: Ch. 11, Sec. 572

is it a body corporate: district is, see above

composition: not less than three members, Ch. 11, Sec. 572

how selected: shall be representative from each member school board, Ch. 11, Sec. 572

is confirmation necessary: no

subject to what control:

to whom reporting:

term of office: 3 years, Ch. 11, Sec. 615

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

NOTE: "The commissioner of education is authorized to consult with the commissioner of education of the State of New Hampshire and to prepare a compact relative to the creation, operation and dissolution of interstate high school districts between the State of Vermont and the State of New Hampshire for submission to the United States Congress for approval,"—Ch. 13, Sec. 731.

State: **Vermont**

PART I

Educational Organization (continued)

Schools

Principals

appointed by:

qualifications:

term of office:

Teachers

appointed by:

qualifications:

certification: **Commissioner of Education makes regulations governing the certification of teachers, Sec. 202, Ch. 5**

tenure:

special assignments:

State: Vermont

Source of information unless otherwise stated: Title 16, Vermont Statutes Ann., including 1961 Pocket Supp Part (Also miscellaneous sections in Vt Education Laws)

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

The following general provisions in Vermont law may be construed as possibly applicable to the use of AV material.

Sec. 1. Power of department of education.

As herein or elsewhere specified, the department of education shall have power to supervise and direct the execution of all laws relating to education.

Sec. 2. The board of education, the commissioner of education and the superintendents shall direct and control the educational system of the state and shall require the enforcement of the laws governing the administration of school affairs and the attendance of pupils.

Sec. 3. Duties of superintendents

(1) The superintendents shall devote themselves to the efficiency of the schools under their charge, including high schools and vocational courses and to the thorough instruction of pupils in the elementary schools in the essential subjects usually taught in such schools;

* * *

(4) Report to the commissioner annually, on or before August 1, concerning the needs, conditions and progress of the schools under their jurisdiction

(5) Report annually, on or before July 15, to their respective school boards concerning needs and conditions of the schools under their jurisdiction, together with recommendations for their improvement and such data as seems fitting.

Sec 6. Construction of chapters

Chapters 1, 3, 5, 7 of this title shall not be construed to take away any authority from the board of school directors as to the control and management of school affairs or the election of school teachers. * **

Sec 143 General powers and duties /State Bd of Ed/

(a) The board shall have supervision over and management of the public educational system, except as otherwise provided; and through the commissioner of education, shall:

(1) See that the laws for the effective operation of schools are enforced;

(2) Supervise the expenditure of all state money expended under the provisions of this title, and inspect all institutions in which or by which such money is used, and prepare a budget for such expenditure;

(3) Provide a method whereby the people may be informed as to the educational conditions and opportunities within the scope of public instruction, and for such other educational publicity as may, in the judgment of the board, contribute to the enlightenment and well-being of the citizens of the state;

(4) Provide for all proper educational gatherings, institutes, summer schools and other like supplementary educational activities and for cooperation with the free public library commission;

(5)(Repealed)(1961, No. 247, Sec 4 eff July 18, 1961)

(6) Receive and use money from private persons or from educational or benevolent funds either for individuals, local institutions or for schools in a supervision district or for general educational purposes, provided in its judgment such use is consistent with the best interests of the state; and

(7) Make and promulgate regulations necessary for the execution of its powers and duties and of the powers and duties of all officers under its supervision or control.

(b) The board shall employ such inspectors, lecturers, clerical assistants, and other officers and may publish and distribute such books and circulars of educational information as it deems proper.

Sec. 202 Duties generally

By and with the advice of the superintendents who have met the qualifications laid down by the board, the commissioner of education shall:

(1) Arrange conferences and summer schools for superintendents and for teachers and employ suitable speakers, lecturers and instructors for the same; and fix the amount of tuition

(2) Prepare and distribute, when in their judgment advisable, courses ot study for elementary and high schools and vocational courses, issue pamphlets of instruction and information for educational purposes, and prepare all necessary statistical and other blanks;

(3) Determine educational standards and requirements for admission to and graduation from the several courses and schools in the state

(4) Make regulations governing superintendents and teachers in the performance of their duties;

(5) Make regulations governing the qualification and certification of all public school teachers and for the recognition of teacher certificates issued by other states;

* * * *

(7) Make regulations governing the instruction and attend-

ance of pupils attending schools in which their tuition is paid, in whole or in part, by their respective towns or by the state for instruction in other towns or districts than those in which they reside;

(8) Devise methods and plan means for eradicating illteracy and promoting the state's welfare;

* * *

Sec 303 Duties

The union superintendnet shall devote his entire time to the duties of his office and shall divide his time among the towns of his supervisory union, as nearly as may be feasible, in proportion to the number of teachers in each town. He shall have general supervision of the public schools in his supervisory union, and perform such duties as are prescribed by the laws of the state and by the school directors of the supervisory union.

Sec 386 General powers and duties /Bd of School Directors7

(a) The board of school directors shall have the care of the school property of the town school district and the management of its schools and keep the schoolhouses suitably repaired and insured.

(b) The board may receive and use in behalf of the town school districts gifts of real estate, money, material and equipment for school purposes as the interests of efficiency and convenience may warrant.

* * * *

(d) The board of school directors may draw orders for loans without interest to the town general fund and the board of selectmen may draw orders for loans without interest to the town school district fund, said loans to be secured by notes signed by the board of selectmen or the school directors as the case may be, and stipulating the terms agreed upon between the board of school directors and the board of selectmen. Such notes shall be payable on demand or mature within three months from the date of issue.

* * * *

Sec 471 Application of other laws /Subch. 2 of Ch 9 relating to incorporated school districts7

(a) The provisions of this title relating to the administration and maintenance of public schools, * * * to the raising and expending of school moneys, to moneys apportioned by the board of education, * * * to elementary and higher instruction, * * * to furnishing of textbooks and appliances, * * * and to all other matters pertaining to schools in a town district, unless otherwise provided, and if not inconsistent with the rights granted by their charters, shall apply to schools maintained, similar school officers and all matters pertaining to schools in incorporated school districts.

State: Vermont

PART II - continued (4)

Sec 475. Statistical information

Annually, on or before July 10, the prudential committee shall cause the principals of the schools in the district to return to the commissioner answers to the statistical inquiries which may be addressed to them by him.

Sec 511 Assessment and collection

At a meeting legally warned for that purpose, an incorporated school district may vote a tax upon the polls and taxable estate within the territorial limits of such district for the lawful purposes of the corporation. The prudential committee shall make out and deliver to the district collector a tax bill with a warrant for its collection, shall have the same powers to collect such tax bill as a collector of town taxes.* * *

Sec 601 Policy

It is hereby declared to be the policy of the state to authorize two or more school districts to establish a union high school district for the purpose of owning, constructing, maintaining and operating consolidated secondary schools and to constitute such district as a municipal corporation with all of the rights and responsibilities which a town school district has in providing educational facilities for its youth.

Sec 602 Application of other laws [relating to union high school district] (This provision is basically identical to Sec 471 supra)

Sec 618 Statistical information [identical to Sec 475 supra except refers to union high school district

Sec 642 Improvements,; indebtedness; bonds

Improvements may be made by a union high school district for the purposes for which the same is established as provided in this subchapter, and indebtedness may be incurred therefor as provided by subhapter 1 of chapter 47 of Title 24. * * *

901. Vocal music, physical culture and drawing

The board of school directorso may provide for instruction in vocal music, physical culture and drawing by the regular teacher, or by a teacher employed for such purpose.

State: Vermont

PART II - continued (5)

Sec 941. Course of study

The board of education shall prescribe and promulgate an eight year course which shall be known as the elementary school course and adapted to the needs of pupils between the ages of six and fourteen years, which course of study shall include instruction in elementary physiology and hygiene with special reference to the effectof alcoholic drinks and narcotics on the human system and on society.

Sec 3222 Amount of money to be voted (as amended, 1961 No. 14)

At each annual town district meeting, each town district shall vote such sums ofmoney as it deems necessary for the support of schools therein and shall express in its vote the specific amounts, or the rateon a dollarof its grant list, voted for deficit, if any, for current expenses, capital improvements or other lawful purposes, if any. If a town district votes specific amounts in lieu of a rate on a dollar of the grant list, the selectmen shall, after the grand list book has been completed and lodged in the office of the town clerk, set the tax rate necessary ~~for the~~ to raise the specific amounts voted. A district may vote money necessary for the support of schools therein to the end of the full school year next ensuing.

Sec 3442 [Sets amount of state aid to each town]

Sec 3443 [Establishes payment and allocation schedule]

Sec 3444 Conditions [No state aid if school district does not comply with provisions relative to salaries, financial reports and "other requirements of law" and shall spend a stipulated amount. Subpara. (b) relieves the district of the latter burden if the district can show that cannot pay its minimum share because of inadequate taxation or unusual circumstances or calamity.]

Sec 3448. Approval of projects [School bldg construction]

Each incorporated school district, town school district, or union high school district which has voted funds in a specific amount to construct a new school plant, make extensive additions or alterations to its old or existing school plant to house adequately or educate its pupils and desires to avail itself of funds herein provided shall make application in writing to the state board of education for approval of the project. When the board finds that the project is urgently needed and the proposed type, kind, quality, size and estimated cost of the project are suitable for the proposed curriculum andmeet other lawfully established standards and requirements so as to serve most effectively the largest number of pupils in any specified area * * *, the board shall award for the followingtypes of school buildings, which have been approved but have not received on or before April 24, 1959, their final award and all schools which may hereafter be approved the stated percentages of the approved cost of the project [stated % listed, usually 30%]***. Nothing in this section shall be construed to require a multi-purpose room, auditorium, gymnasium, or other type of room not deemed necessary to maintain a standard curriculum, in any proposed school building * * *. However, for the purpose of the award the cost of construction shall not include any amounts derived from federal or private sources. ***

[Bonds can be issued by the state for the above under Sec 3447]

(Federal Aid)

Sec 3541 Authority of state board of education

The state board of education is hereby authorized and empowered to administer such funds as may be made available to the state of Vermont by the Congress of the United States for the purpose of reducing inequalities of educational opportunities through public elementary and secondary schools or for aid in defraying current expense of such public schools.

3542 Acceptance, distribution and accounting

[Provides generally for distribution in same manner that state funds are distributed and requires reports to U.S. and audit to be conducted by state department of education annually as to the use of federal funds. Requires reports from districts as required by state department of education]

Sec 3543. Reports, copies of legislation or regulations

The state board of education shall provide reports with respect to the progress of education within the state of Vermont to the properly authorized official of the UnitedStates when required, and the board shall transmit copies of this and any other pertinent legislation or regulations which shall be necessary to establish its authority or the validity of the provisions made by the legislature for the acceptance of federal aid funds for current public school support.

Sec 3544. Control by federal agencies prohibited

No department, agency, officer or employee of the United States shall, because of any provision of this subshapter, direct supervise, control or prescribe in any manner, the administration, personnel, curriculum or instruction in the public schools of Vermont.

Sec 3545. (New in 1961) When a grant of funds for school support is conditioned upon a requirement that the state board of education allocate the funds to local educational agencies in accordance with criteria and procedures established by the board ~~of a~~ to determine specified factors such as need and ability to pay or finance, the board may do so notwithstanding the provisions of Section 3542 of this title.

Sec 3581. Acceptance

The state board of education is hereby authorized and empowered to accept, use, disburse and account for funds made available to the several states by legislation of the Congress for the purposes of acquisition, construction reconstruction, remodeling or repair of public school buildings.

Sec 3582 Formulation of plans

The state board of education is further authorized and empowered to formulate such state plan, including preparation of surveys and estimates of school buildingneeds, as is necessitated by the provisions of congressional legislation.

Ch 129 School Property

Sec 3741 School buildings

Each town district shall provide, furnish, maintain and control schoolhouses suitable for schools under the provisions of this title. When so authorized by the town district, the board of school directors shall have power to lease or purchase buildings or sites for schoolhouses, locate and erect schoolhouses, and sell or otherwise dispose of schoolhouses or sites for same, and for such purposes a district may raise a tax on its grand list.

3743 Textbooks, appliances and supplies

The board shall select and provide all textbooks, appliances and supplies required for use in the elementary schools and for pupils taking the first two years of the junior or junior-senior high school course, in the town district; and the same shall be paid for by such district. The selection of such textbooks, appliances and supplies shall be subject to the approval of the superintendent of the schools of such district. * * * The board of school directors shall make such rules and regulations as it deems proper for the care and custody of all textbooks, appliances and supplies.

State: Vermont

Source of information unless otherwise stated: Vermont Education Laws, reprinted from Title 16 and others, Vermont Statutes Annotated (no date of publication; however, internal references to amendments and citations indicate date of publication after the 1959 legislative session).

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

There is no specific mention of the use of audio-visual media in the Vermont Education Laws. However, the 1961 State Legislature has passed the following bills:

No. R.46. (J.R.H. 27) Continues commission on educational television "for the next ensuing biennium" and appropriates for it the sum of $2,000.00 plus any unexpended balance.

No. 249. (S. 123) The state board of education shall allocate from its appropriation for each biennium until this act is specifically repealed the sum of $5,000.00 to provide to the schools visual educational films and instructional help in the use of visual educational material.

About the foregoing bill, Mr. Max W. Barrows, Deputy Commissioner of Education for the State of Vermont, in a letter to Mr. John W. Connelly, Jr., dated November 28, 1961, has this to say:

> "Until recently our Department has had the amount of $5,000 a year earmarked for the expenditure of 16 mm films which have been purchased and deposited in our Vermont Film Library at the University of Vermont. Due to the economy of recent State legislatures, this amount of money has not been available for the past four years. In 1937 a special act of the Legislature provided for an annual appropriation of $5,000 definitely earmarked to audio-visual education. However, through some error when our laws were revised, the revision committee apparently overlooked this act and it was deleted from the revised edition of our state laws. Our Department attempted to get this act passed during the 1961 session of the Vermont Legislature with the result that the act was passed but no funds were made available."

(The writer may have intended 1947 or 1957 for the date used, 1937.)

State: Vermont

PART III - continued (2)

In the Biennial Report of the Vermont State Board of Education for the two years ending June 30, 1960, an item in the recommended appropriations for 1962 and 1963 provides, among other activities, for "State leadership in audio-visual and school television programs."

State: Vermont

Source of information unless otherwise stated: Title 16, Vermont

Stat. Ann., including 1961 Pocket Supp Part

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids
Sec. 144a appropriates funds to provide schools with visual films. Secs. 3 and 202(8) are general in scope and could be interpreted as being applicable to the planning for the use of AV aids. (See discussion infra)

Yes 3. Preparing curricula
Secs. 941, 972 and 973 relate to the promulgation of courses of study at local levels.
Secs 202(2) and 202(3) apply on the broader plane.
(See discussion infra)

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
Sec 144a, supra Note 2. Secs. 202(1) and (2), and 143(b) provides generally for the issuance and distribution of pamphlets of instruction and circulars. (See discussion infra)

Yes 5. Organizing AV units and cooperative activities
No real provisions on this point except No. R. 46 (Part III supra). A remote possibility rests with Secs 731-761 relating to the creation of Interstate High School Districts with New Hampshire.

No 6. Conferring on AV use outside of State educational structure

State: Vermont

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)
Sec 3743 applies directly to the selection of textbooks and "appliances and other supplies", but not to AV aids. See discussion *infra*.

Yes 8. Selecting textbooks (and observing academic freedom)
See note 7, *supra* (Sec 3743)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks
Sec 144a (see notes 2 and 4 supra and Part III).
Sec 3743, supra note 7.
Sec 143(a)(2) may broadly apply in this area as well.
(See discussion *infra*)

No 10. Financing acquisition by rent or purchase

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel
Secs 202(2) and 475, although there are no specific provisions for regulating AV aids as such or keeping statistics on their use.
(see discussion *infra*)

Yes 12. Distributing AV aids
Sec 144a, supra notes 2 and 4 (see Part III)

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals
Secs 202(4) and (5) and Sec 1691 relate to the certification of teachers and the prescribing of their qualifications. No specific reference is present with regard to AV professionals.
(see discussion *infra*)

Yes 15. Prescribing qualifications of using personnel
See item 14, supra

State: Vermont

PART IV (continued)

Yes or No

Yes 16. Accrediting schools
Sec 3444; however, this section merely relates to the withholding of state aid funds when a state does not comply with certain requirements (see discussion infra)

Yes 17. Building or remodeling schools to facilitate AV use
Secs. 3447, 3448, 3581, 3582, 3741, 386(a) and 642. Full discussion infra.

Yes 18. Federal aid to schools
Specific and detailed provisions in Secs. 3541-3582, see discussion infra.

Yes 19. State aid to schools
~~Special authority to receive gifts, Secs 344~~
Sec 3442, 3443, 3445 and 144 relate to providing of state aid and control of such funds. (see discussion infra)

Yes 20. Private aid to schools
General provisions allowing receipt of gifts in Secs 143(a)(6), 386(b), 3345. (discussion infra)

No 21. Library programs -
Cf last sentence in Sec 143(a)(4)

Yes 22. Research programs
Yes, to some extent, in Sec 3(4) and (5). Discussion infra

Yes 23. Institutes
Specific provisions in SEcs 143(a)(4), 202(1) and 145.

No 24. Other established procedures
Compare New England Higher Education Compact, Secs 2691-2733.

State: Vermont

PART IV - continued (4)

2. Planning the use of AV aids

Sec 144a (which is cited in Part III as No. 249 of 1961 Laws) allocates $5,000.00 each biennium to provide the schools with visual educational films and instructional help in their use. (Part III supra) It would seem that inherent in such an appropriation is the acknowledgement that the state board of education has power to plan for the utilization of these educational films.

Broad powers can be found in Sec 3, 202. In Sec 202(8)= especially, the commissioner of education is given the power to devise methods and plan means for eradicating illiteracy and promoting the state's welfare. Apparently, a decision that the use of AV material would assist in the above would be sufficient to authorize the planned use of AV material. See also Sec 2, supra.

3. Preparing curricula

On a general broad basis, Sec 202(2) and (3) gives the Commissioner of education the duty to prepare and distribute courses of study and to determine educational standards and requirements for admission. More specific is Sec 941, supra where the local board of education is required to prescribe and promulgate an 8 yr course for elementary.x Sec 972 refers to junior high school courses and Sec 973 refers to high school courses. Again, control is within the board of education with respect to the establishment of a course of study.

4. Advising subordinate units etc.

Sec 144a expressly provides for instructional assistance which would require advising teachers on the use of AV aids.

More general, but nearly as good authority, can be found in Sec. 202(2) supra where the commissioner of education is given the duty of issuing pamphlets of instruction and information for educational purposes. Under Sec 202(1), the commissioner can advise lower units through arrangements which might be made for conferences for teachers.

In addition, the state board of education is authorized under Sec 143(b) supra Part II, to "distribute such books and circulars of educational information as it deems proper." Hence, there would appear to be an abundance of authority with respect to the dissemination of material on the use of AV aids.

5. Organizing AV units and cooperative activities.

There appear to be no express provisions in this area except for No. R.46 relating to the continuation of the commission on educational television. (See Part III supra) It is of some interest that Secs. 731-761 relate to the establishment of Interstate High School Districts with New Hampshire. Apparently, if Vermont and New Hampshire have similar powers re AV aids, cooperative use of such aids may well come within these provisions.

7. Selecting AV aids (and obvserving academic freedom)

Sec 3743 appears to be the only section relating specifically to the method of selecting teaching aids and textbooks (as contrasted with other states where an elaborate system of providing and selecting textbooks is established). Basically, the selection of such materials (the responsibility of the local school district, see p. 9, of State Bd of Ed. Biennial Report for years ending June 30, 1960) is generally provided for in Sec 3743 (supra Part II). The referencesin S c 3743 which might apply to AV aids ~~is~~ are the words"appliances and ~~and~~ supplies". It appears that great latitude is given to the local school boards to select and obtain textbooks and appliances required for use in elementary schools. The only check is that the superintendent of the schools of such district must approve the selection. There are apparently no specific controls from the state board of education in this area.

The above section is applicable to incorporated school districts and union high school districts by virtue of Secs471 and 602, supra Part II.

8. See Note 7, supra

9. Sec 144a provides a specific appropriation for AV materials, although no method of acquiring these aids is set out. See Part III supra for detailed discussion of this section.

Sec 3743, supra notes 7 and 8, provides for the acquisition of such material in a general way indicating that the local school district will pay for such material. The selection is subject to the approval of the superintendent; hence, the acquisition would appear to be subject to the same approval.

Some possible control by the state board of education might come out of SEc 143(a)(2) since it has the duty of supervising the expenditure of all state money expended under Title 16 and may visit all institutions where such money is used. Possibly, the funds paid out by the local school may be derived from state funds.

State: Vermont

PART IV - continued (6)

11. Regulating use of AV aids and keeping statistics on use and using personnel.

Regulation of the use of such AV material may be derived from the sections relating to the advising of subordinate units on the use of such materials. See discussion in note 4, supra. Sec 202(2) does indicate that the commissioner of education, in addition to preparing and distributing courses of study, pamphlets of instruction, may prepare all necessary statistical and other blanks. Presumably, the commissioner could require local subordinate units to submit statistical information on the use of AV materials.

Significantly, Sec 475, relating to incorporated school districts, indicates that principals of the schools should return to the commissioner "answers to statistical inquiries which may be addressed to them by him." Again, this would indicate that there is authority in the commissioner to issue statistical inquiries and require submission to him of such statistics.

12. Distributing AV aids

Except for Sec 144a, supra notes 2 and 4 (see part III), there appear to be no provisions relating to the distribution of AV aids specifically. As noted above, the selection and apparently the acquisition of textbooks and "appliances and supplies" is basically and local matter. As noted in note 4 supra, there is authority for the distribution of books and circulars of educational material and pamphlets of instruction, but no authority for the actual distribution of materials (unless it is considered a "book of education information" under Sec 143(b)).

14. Certificating teachers and AV professionals

Specific power is given to the board of education with respect to the certificating of teachers in Sec 1691 which states as follows:

> The board of education shall provide for the examination and certification of teachers, appoint times and places of examination, designate the examiners, fix the standard required for certification, classify the grades of certificates to be granted, prepare and procure the printing of questions for such examinations and forms for teachers' certificates, and make all necessary regulations for such examination and certification and for the revocation of certificates, and all expenses connected with such examination and certification shall be paid by the state.

In Secs 202(4) and (5), the commissioner is given the duty of making regulations governing teachers in the performance of their duties and governing their qualification.

15. See item 14.

PART IV - continued (7)

16. Accrediting schools

Except for the general managerial duties of the state board of education over the educational system, the only apparent method relating to the accrediting of schools relates to the withholding of state aid if a school district does not comply with provisions relative to salaries, financial reports and "other requirements of law". See Sec 3444, supra Part II.

17. Building or remodeling schools to facilitate AV use.

Again, there appears to be no specific provision relating to the facilitating of AV use in building or remodeling schools. There are, however, several provisions with respect to the building and remodeling of schools which can be interpreted as necessarily applying to AV material.

Detailed and complex provisions are set up in Secs 3447 and 3448 with respect to the construction of school buildings. As noted in Sec 3448, supra Part II, the approval of projects by state board of education relates to alterations and additions as well as construction. Under Sec 3448, a local school district can obtain state aid in such remodeling activities when the project is approved by the state board. The state can issue bonds under Sec 3447 to finance such payments to the local school districts. Notably, Sec 3448 provides that the state board must find that the project is suitable for the proposed curriculum and meets other lawfully established standards and requirements.x In this area, there is room for controls with respect to AV materials.

See also sections 3581 and 3582 with respect to federal aid and construction or remodeling of public school buildings, and Sec 3741 with respect to the control of school property which the town district has. (Part II supra)

Sec 386(a) generally gives the board of school directors the duty of keeping school houses in repair and Sec 642 allows a union high school district to incur indebtedness for the purpose of providing improvements. (See Part II supra)

18. Federal aid to schools

Significantly, the Vermont statutes contain detailed provisions with respect to federal aid. See Sections 3541 - 3582, supra Part II. In Sec 3541, the state board is authorized to administer funds made available by Congress. These funds are distributed in the same manner as state funds and reports, as necessary, can be required and made (Sec 3542). Close cooperation with the U.S. is authorized in 3543, again with respect to reports and the forwarding of copies of legislation and regulations. Sec 3544 makes it clear that no agency of the U.S. can control curriculum, instruction etc because of any provision in these sections.

Sec 3581 refers to the acceptance of federal funds made available for the purposes of "acquisition, construction, reconstruction, remodeling or repair of public school buildings." Under Sec 3582, the state board is authorised to formulate a state plan as is necessitated by the congressional legislation.

19. State aid to schools

Specific state aid is, of course, contained in Sec 144a with respect to AV aids.

Sec 3442 establishes the amount of state aid to each town based upon a complicated formula dependent upon number of pupils, average daily membership etc. Under Sec 3443, the payment is made before the first day of December to the town treasurer. As mentioned above, under Sec 3444 (Supra Part III), state aid may not be forthcoming if the school district does not comply with certain required conditions.

Under Sec 3445, State aid may be used by a town school district or an incorporated school district only for legimate items of current expenses.

Under Sec 144, the state board must supervise the distribution of all moneys appropriated by the state for educational purposes.

20. Private aid to schools

Various provisions authorize various units to accept private aid. In Sec 143(6), the state board may receive and use money from private sources (see part II supra). Under Sec 386(b), the Board of School Directors may receive on behalf of twon school districts gifts of real estate, money, material, and equipment for schoop purposes as the interests of efficiency and convenience may warrant. Under Sec 3345, the trustee of the permanent school fund is empowered to hold and invest any fund that may be given to it by deed of gift or bequest for general education purposes, special purposes through scholawships or physical care and welfare of school pupils. This permanent school fund is established by Sec 3341 and its corpus is basically civil war claims, Huntington fund, sc school fund of 1825 U.S. public moneys and xxx such other additions.

22 Research programs

No real programs are established in the Vt statutes. But, one of the duties of the superintendent is to report to the commissioner annually as to the needs and conditions and progress of schools under his jurisdiction. Sec 3(4). Hence, this might be authority for the institution of a research program with respect to the needs and uses of AV aids.

PART IV - continued (9)

23. Institutes

Under Sec 143(a)(4), one of the duties of the state board of education is to provide for all proper educational gatherings, institutes and summer schools and other like supplementary educational activities and for cooperation with the free public library commission. Similarly, under Sec 202(1), the duty of the commissioner of education is to arrange conferences and summer schools for superintendents and for teachers and employ suitable speakers, lecturers and instructors for the above. (See Part II, supra) Hence, there is amply authority for the establishment of teachers' institutes for the purpose of instruction in the AV aid area. -

In addition, Sec 145 provides:

> Such board (state board of education) shall employ the instructors and direct the management of the teacher training classes of the state and such other classes, schools or institutions as are by law entrusted to the management and control of such board.

24. Other established procedures.

An interesting notation here is with respect to the New England Higher Education Compact, Secs 2691-2733.

VIRGINIA (1959-60)

Enrollment in full-time public schools:

Elementary	663,363
High School	178,211
Number of school districts (including non-operating)	127
Number of elementary schools	1,888
Number of high schools (including junior high)	461
Expenditure per pupil in average daily attendance	$274

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-1960 OE-20006-60, pp. 6-7, 9, 11.

VIRGINIA

County and Independent School Superintendencies

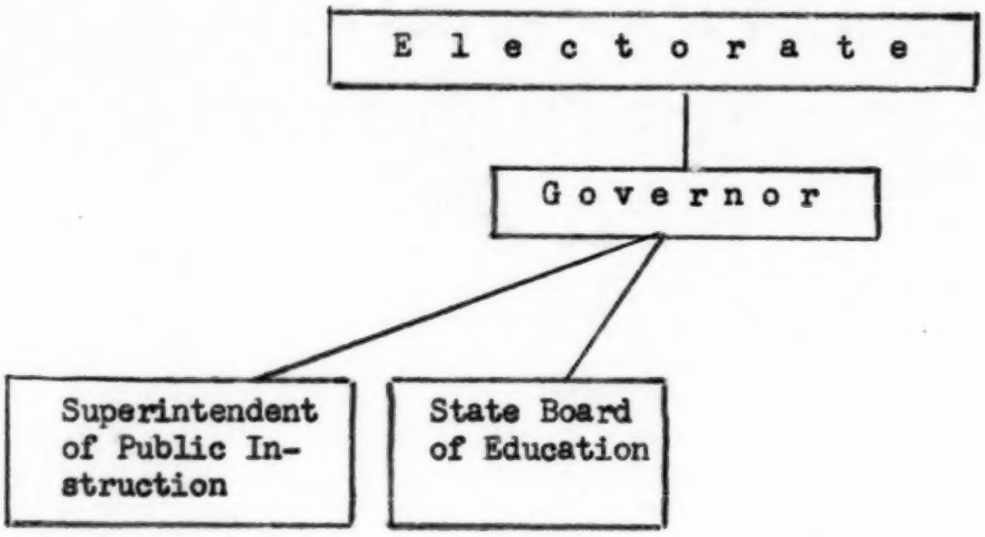
There are 115 school superintendencies (referred to as divisions) in the State: 85 county-unit (including 10 cases where 2 counties have combined and 5 cases where a county and a city have combined to form a single county-unit superintendencies) and 30 independent city superintendencies.

Source: U. S. Department of Health, Education, and Welfare, Education Director, 1960-61, Part 2, OE-20005-61, p. 191.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 149-151.

VIRGINIA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools and colleges

State Board of Education.--Consists of 7 members appointed by the governor, subject to confirmation by the general assembly, for overlapping 4-year terms.

3. Chief State School Officer

The superintendent of public instruction is appointed by the governor for a 4-year term concurrent with the governor's term. The superintendent must be an experienced educator. He serves as executive officer and secretary of the State board of education.

7. Coordination of the State Education System Through Structure

The State board of education and the superintendent of public instruction share the responsibility for the coordination of the State program of public elementary and secondary education.

9. Fiscal Coordination

The following seven State educational agencies submit budgets to the governor, who is the chief budget officer of the State: ....State board of education.

The governor is empowered by statute to appoint an assistant whose title is director of the division of the budget and who holds his position at the pleasure of the governor. In preparing the State budget for the general assembly, the governor may eliminate or reduce items among the proposed expenditures submitted by State educational agencies unless otherwise required by law. The governor, as a consequence of these fiscal powers, has extensive coordinative authority over the State program of public education.

State: **Virginia**

Source of information unless otherwise stated: **Virginia School Laws, Bulletin - State Board of Education, November, 1958, and 1960 Cumulative Supplement, October 1960**

PART I

Educational Organization

State level:

Department of Education: called Department of Education (referred to by
name in Regulations of State Board, but legislative authority for
how organized: organization not found. Probably organized by order
of State board, under broad authority. The Dept. is
established by: divided into Divisions. It is the "office" of the
Supt. of Public Instruction, and not a body politic.
is it a body corporate:

State Board of Education: called **State Board of Education**

established by: **Sec. 22-2**

is it a body corporate: **no**

composition: **7 members, Sec. 22-11**

how selected: **Appointed by the Governor, Sec. 22-11**

is confirmation necessary: **Yes, by the General Assembly, Sec. 22-11**

subject to what control: Governor (implied by Sec. 22-11)

to whom reporting: not stated

term of office: **4 years, Sec. 22-12**

Chief state school officer: called **Superintendent of Public Instruction Sec. 22-22**

office established by: **Sec. 22-22**

how selected: **Appointed by the Governor, Sec. 22-22**

is confirmation necessary: **Yes, by the General Assembly, Sec. 22-22**

subject to what control: Governor (implied by Sec. 22-22)
also State Board, Sec. 22-26

to whom reporting: to State Bd. and to General Assembly (through
Governor) Regulation 7(h), Regulations of St.Bd. of Educ., Feb.1959

term of office: **Coincident with that of the Governor, Sec. 22-22**

staff and who appoints:

Other organization or official: called

State: Virginia

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called **County District, Sec. 22-42**

how organized:

composition: **county is unit, Sec.** 22-42, less territory of incorporated cities

is it a body corporate: **no, board is.**

Board of education: called **County Board, Sec. 22-61**

established by: **Sec. 22-61**

is it a body corporate: **Yes, Sec. 22-63**

composition: **1 member from each school district, Sec. 22-61**

how selected: **Appointed by School Trustee Electoral Board, Sec. 22-61**

is confirmation necessary: **no**

subject to what control: State Board

to whom reporting: State Board, Virginia Constitution, Sec. 132

term of office: **4 years, Sec. 22-64**

Administrative officer of unit: called **Superintendent, Sec. 22-31**

office established by: **Sec. 22-31**

how selected: **appointed by school board, Sec. 22-32**

is confirmation necessary. no, but appointee must be selected from a list of eligibles certified by State Board, Sec. 22-32

subject to what control: same as reporting below.

to whom reporting: State Superintendent and State Board, Sec. 22-36 (See regulation of State Bd., 1959, p. 6)

term of office: **4 years, sec. 22-32**

staff and who appoints: not stated

State: Virginia

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Joint District, Sec. 22-100.1

how organized:

composition: two or more counties or one or more counties with one or more cities (becomes a school division)
is it a body corporate: no

Board of education: called Board of Education
(if counties or cities involved, vote to have one board)
established by: Sec. 22-100.1

is it a body corporate: yes, Sec. 22-100.5

composition: 6 to 9 trustees, Sec. 22-100.3 (equal number from each unit)
how selected: appointed by county board of supervisors for a county, or city council for a city, Sec. 22-100.3
is confirmation necessary: no

subject to what control: State Board

to whom reporting: State Board of Education, Virginia Const., Sec. 132
term of office: 3 to 4 years staggered, depending on size, Sec. 22-100.3
Administrative officer of unit: called same as county district, Sec. 22-31

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Virginia

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called city district, Sec. 22-89

how organized: Sec. 22-89

composition: incorporated city

is it a body corporate: no, board is

Board of education: called city school board

established by: Sec. 22-89

is it a body corporate: yes, Sec. 22-94

composition: 3 trustees from each school district in the city, Sec. 22-89

how selected: by city council, Sec. 22-89

is confirmation necessary: no

subject to what control: State Board

to whom reporting: State Board of Education, Va. Const., Sec. 132

term of office: 3 years (one elected annually), Sec. 22-89

Administrative officer of unit: called division superintendent

office established by: Sec. 22.31

how selected: (see county district)

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Virginia

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Special District, Sec. 22-43

how organized:

composition: specific excepted by Sec. 22-43 because previously established (not a separate school division like city district)

is it a body corporate: yes

Board of education: called town school board

established by: Sec. 22-43 (continued in existence)

is it a body corporate: yes, Sec. 22-94

composition: same as city district - Sec. 22-89

how selected: ibid.

is confirmation necessary: ibid.

subject to what control:

to whom reporting: county board and State board - Sec. 22-43

term of office: same as city district, Sec. 22-89

Administrative officer of unit: called same as county district, Sec. 22-31

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: **Virginia**

PART I

Educational Organization (continued)

Schools

Principals

appointed by: **Assigned by division superintendent, Sec. 22-205**

qualifications:

term of office:

Teachers

appointed by: **local school board, Sec. 22-188.38**

authority to/reassign in school placed by school board,

qualifications: **assign or Sec. 22-205**

certification: **rules of certification laid down by State Board of Education, Sec. 22-204**

tenure:

special assignments:

State: Virginia

Source of information unless otherwise stated: Virginia School Laws, November, 1958, and 1960 Cumulative Supplement.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

State Level - State Board of Education

Sec. 130, Constitution of Virginia provides that the general supervision of the school system shall be vested in the State Board of Education (also see Sec. 22-11).

Sec. 132, Constitution of Virginia - Powers and duties of State Board of Education:

(1) It shall divide the State into appropriate school divisions .....It shall certify to the local school board or boards of each division in the State a list of persons having reasonable academic and business qualifications for division superintendent of schools.....

(2) It shall have the management and investment of the school fund under regulations prescribed by law (Sec. 22-101).

(3) It shall have such authority to make rules and regulations for the management and conduct of the school as the General Assembly may prescribe; but until otherwise provided by law, the State Board of Education may continue existing rules and regulations in force and amend or change the same (see Sec. 22-19).

(4) It shall select textbooks and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties, respectively; provided, however, the General Assembly may prescribe the time in which the State Board of Education may change the textbooks (see Secs. 22-295 -- 22-318).

Pursuant to authority granted in Sec. 3 above, the State Board of Education, in 1959 passed the following regulations (see p. 3 - "Regulations of the State Board of Education, 1959"):

PART II - continued (2)

(3) The State Board of Education shall provide for the certification of teachers in accordance with a plan which will guarantee reasonable standards and encourage professional improvement.....

(5) The State Board shall accredit as standard high schools certain high schools in the State which meet the requirements set up by said Board, and shall further accredit as junior high schools or intermediate schools, those institutions which meet the required standards.

Sec. 22-21 - The State Board is authorized and required to do all things necessary to stimulate and encourage local supervisory activities and interest in the improvement of the elementary and secondary schools .....

Sec. 22-101 provides that the State Board of Education shall manage the Literary Fund of the State. This fund aids in the support and maintenance of the public schools.

Sec. 22-105 - The State Board is authorized to lend to the school boards of the several counties, cities and towns, operating as separate school districts who make application therefor, money belonging to the Literary Fund....., for the purpose of erecting, altering, or enlarging schoolhouses in such counties, cities and towns.....

Sec. 22-202 - The State Board shall provide for the examination of teachers by a State board of examiners, and the inspection of schools by inspectors to be chosen by the State Board.....

Sec. 22-166.1 - The State Board is authorized to cause to be prepared standard detailed plans, specifications and sketches for school buildings.

State Level - Superintendent of Public Instruction

Sec. 22-25 - Duties in general. It shall be the duty of the Superintendent of Public Instruction to formulate such rules and regulations, and provide such assistance in his office as shall be necessary for the proper and uniform enforcement of the provisions of the school laws in cooperation with the local school authorities.....

Sec. 22-26. The State Board shall prescribe the duties of the Superintendent of Public Instruction, in addition to those prescribed by law.....

"Regulations of the State Board of Education," supra, p. 4, prescribe regulations for the Superintendent as follows:

(7) The Superintendent of Public Instruction shall be the chief executive of the public school system, and shall have the following duties:

(b) .....By circulars and otherwise he shall give information and instruction conducive to the proper organization and conduct of the schools.

(c) He shall require of division superintendents detailed reports annually and special reports from time to time as he may deem proper.

(d) It shall be his duty as often as may be consistent with his other official engagements to make tours of inspection among the public schools of the State. He shall use all proper means to promote an appreciation of education among the people.

(f) He shall prepare a plan for apportioning the money appropriated by the State for public purposes.

(h) He shall file an annual report to the State Board of Education describing the condition of the public schools.

Sec. 22-152 provides that the State Superintendent must approve all plans and specifications for the building or adding to of school houses.

State Level - Advisory Research Committee

Sec. 22-166.3 creates the above committee. It consists of thirteen members appointed by the Governor for terms of four years. The committee shall assist the State Board by advising it as to the efficiency of school construction with due regard to economy, operation, maintenance, design, function, instructional facilities.....

Local Level - Division Superintendent

Sec. 22-36 provides that the powers and duties of the division superintendents shall be fixed by the State Board.

The State Board of Education fixed certain duties of the Division Superintendent in "Regulations of the State Board of Education", 1959, at p. 6,as follows:

Division Superintendent.....

(9) It shall be the duty of each division superintendent to observe such directions and regulations as the Superintendent of Public Instruction or the State Board of Education may from time to time prescribe; to make an annual report and special reports to the State Superintendent.

It shall be the duty of the division superintendent to inspect the accounts of the clerk of the school board.....

Superintendents shall distribute promptly all reports, forms, laws, and regulations which may be received from the Superintendent of Public Instruction.....

PART II - continued (4)

Superintendents shall explain the school system and give information about it on all suitable occasions, and shall take care that all school laws and regulations are strictly enforced and that the decisions of the Superintendent of Public Instruction, and of the State Board of Education, upon controversies relating to the school laws of the State, or to the regulations prescribed by the State Board of Education are complied with, by the persons concerned.....

It shall be the duty of the division superintendent to visit and inspect each school in his division in order that he may keep closely in touch with the condition of such schools. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, use of textbooks, and shall give particular attention to the condition of the schoolhouses .....

The division superintendent shall see to it that teachers discharge faithfully duties assigned to them.....(see Sec. 22-205).

The superintendent shall have authority to abate nuisances or condemn schoolhouses.....(see Sec. 22-158).

It shall be the duty of superintendents to promote the improvement and efficiency of teachers by all suitable and proper methods, under directions from the Superintendent of Public Instruction; and to this end they shall encourage and assist in the organization and management of county institutes.....and they shall labor in every way to elevate the standard of teaching in the public schools and improve their condition. It shall be the duty of the superintendents to preside over these county institutes. They shall also endeavor by all proper means to promote an appreciation and desire for education among the people.

Sec. 22-120.3 - It shall be the duty of the division superintendent of schools.....to prepare, with the advice of the school board, and submit to the governing body of the county, city or town....., two estimates. The first shall show the amount of money deemed to be needed during the next scholastic year, for the support of the public schools of the county, city or town. The second estimate shall show, in the alternative, the amount of money deemed to be needed for educational purposes for the county, city or town.

Sec. 22-120.4 - On the basis of the two estimates, the division superintendent shall request the governing body of the county, city or town, to fix such levy, or make such appropriations as will provide an amount of money deemed to be needed.....

Sec. 22-152 provides that the division superintendent as well as the Superintendent of Public Instruction have the power to approve, or disapprove plans for the erection of or addition to a schoolhouse.

Sec. 22-308 - .....the division superintendent shall make up a requisition.....covering all adopted books needed for the supply of the schools at the opening of the following session (a copy given to State board).

State: Virginia

PART II _ CONTINUED (5)

Local Level - Local Boards

Sec. 133 - Constitution of Virginia - The supervision of schools in each county and city shall be vested in a school board, to be composed of trustees..... Each magisterial district shall constitute a separate school district, unless otherwise provided by law, and the magisterial district shall be the basis of representation on the school board of such county or city, unless some other basis is provided by the General Assembly; provided, however, that in cities of one hundred and fifty thousand or over, the school boards of respective cities shall have power, subject to the approval of the local legislative bodies of said cities, to prescribe to number and boundaries of the school districts.

The General Assembly may provide for the consolidation, into one school division, of one or more countries as cities, with one or more counties or cities.....

Sec. 22-42 - For the purpose of representation each magisterial district shall, except where otherwise provided by law, constitute a separate school district, but for all other school purposes, taxation, management, control, and operation, the county shall be the unit, and the school affairs of such county managed as if the county constituted but one school district.....

A magisterial district cannot be a separate school district for purposes of operation of schools **lying** therein.

A magisterial district may not levy a separate school tax except for outstanding bonds.

Local Level - Special Districts

Sec. 22.43 provides in effect that incorporated towns having a population of not less than 3,500 inhabitants may, by ordinance of the town council and by and with the approval of the State Board, be constituted separate school districts either for the purpose of representation on the county school board, or for the purpose of being operated by a board of three members, appointed by the town council.

This section also provides that certain towns already established as separate school districts with separate school boards shall be preserved.

Both the Constitution and the statutes seem to contemplate that the county school board shall be the unit of control over schools in the county. However, by Section 22.43 certain incorporated towns may retain their town school boards. While it may be that these town school boards have only limited powers, there is no inconsistency in their continuance as a part of the county school system with such powers as they may have by statute or as may be delegated to them by the county school board.

State: Virginia

PART II - continued (6)

Local Level - County School Boards

Sec. 22-63 - The County School Board constitutes a body corporate, and in its corporate capacity may sue and be sued, contract, or be contracted with and, in general, is vested with all the powers, and charged with all the duties, obligations and responsibilities imposed upon such board as such by law.

Sec. 22-72 - Powers and duties. The school board shall have the following powers and duties:

(1) enforcement of school laws;

(2) to make local regulations for conduct and discipline;

(3) to secure, by visitation or otherwise, as full information as possible about the conduct of the schools;.....

(5) provided for payment of teachers and other officers;.....

(6) to provide for the erecting, furnishing, and equipping of necessary school buildings and appurtenances and the maintenance thereof;.....

(9) in general, to incur costs and expenses, but only the costs and expenses of such items as are provided for in its estimates submitted to the tax-levying body without the consent of the tax-levying body;

(10) to provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school system;

(11) to perform such other duties as shall be prescribed by the State Board or as are imposed by law.

Local Level - Boards of Cities and Towns

The city school board of every city shall establish and maintain therein a general system of public free schools..... (Sec. 22-93)

Sec. 22-94 - the school trustees of each city shall be a body corporate.....; it may sue and be sued, contract and be contracted with, and purchase, take hold, lease and convey school property, both real and personal.

Sec. 22-96 - the official care and authority of the school board shall cover all territory included in the corporate limits of any city or town constituting a separate school district.

State: Virginia

PART II - continued (7)

Sec. 22-97 - Powers and duties - The city school board shall have the following powers and duties:

(1) To explain, enforce, and observe the school laws;

(2) To determine the studies to be pursued, the methods of teaching, the government to be employed in the schools, and the length of the school term;

(3) To employ teachers on recommendation of the division superintendent and dismiss them when delinquent, inefficient or otherwise unworthy of the position.....;

(9) To call meetings of the people of the city for consultation in regard to the school interests thereof.....;

(10) To provide suitable schoolhouses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses according to the exigencies of the city and the means at its disposal.....;

(11) To visit the public free schools within the city, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency;

(12) To manage and control the funds of the city made available to the school board for public schools,.....;

(13) .....To submit to the council, in writing, a classified report of all expenditures and a classified estimate of funds deemed to be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provision by appropriation or levy pursuant to Sec. 22-126;

(15) To perform such other duties as shall be prescribed by the State Board or are imposed by other parts of this chapter;

(16) Grants to the city school board the power to acquire land.....;

(17) To provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school system.

The following apply to both county and city school boards, pursuant to Secs. 27-72(11) and 22-97(15):

Sec. 22-107 - authorizes the local school boards to borrow from the literary fund upon written application.

Sec. 22-120.3 - provides that the school board has the authority to advise on and approve the cost estimates submitted to it by the division superintendent.

State: Virginia

PART II - continued (8)

Sec. 22-120.4 - gives the school board the power to levy or make appropriations that will provide an amount of money deemed to be needed for the operation of the public schools, or will provide an amount of money deemed to be needed for the educational purposes of such county, city or town.

Sec. 22-126 - gives the local boards of each county, city and town, if the town be a separate school district, the authority to levy school tax on all property.....

Sec. 22-149 - the school board may condemn for school purposes land or other property, or any interest or estate therein, including dwellings, yards, gardens or orchards.

Sec. 22-151 - gives the school board the authority to acquire property from the United States or any agency thereof.

Sec. 22-203 - the school board on recommendation of the division superintendent shall employ teachers and place them in appropriate schools and shall dismiss teachers when delinquent, inefficient, or otherwise unworthy.

Sec. 22-307 - county and city school boards shall furnish free of charge adopted textbooks for the use of all children attending the public elementary schools in each school division in conformity with the rules and regulations adopted by the State board.....

Sec. 22-7 - the school boards of counties or of counties and cities, or of counties and towns operating as separate special school districts, may, with the consent of the State board, establish joint schools for the use of such counties or of such counties and cities or of counties and towns operating as separate special school districts, and may purchase, take hold, lease, convey and condemn jointly, property for such joint schools.

22-
Sec./100-1 - when the State board of education has created a school division, composed of two or more counties or one or more counties with one or more cities, the supervision of schools in any such school division may be vested in a single board.....

Sec. 22-100.5 - the board shall be a body corporate and shall constitute a school division. It has the power to sue and be sued, contract and be contracted with and, in general, is vested with all the powers, and charged with all the duties, obligations and responsibilities imposed upon county and city school boards as such by law.

State: Virginia

Source of information unless otherwise stated: Virginia School Laws, Bulletin - State Board of Education, November, 1958, and 1960 Cumulative Supplement, October 1960

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 22-296. Selection of textbooks and appliances.--The State Board shall select textbooks and educational appliances, including films, for use in the public schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively.

The following is quoted from Regulations of the State Board of Education (Virginia), February, 1959:

AUDIO-VISUAL EDUCATION

The purchase of phonographs, radio phonographs, and recordings for use in the audio-visual education program with State library funds on the same matching basis as used in the purchasing of books and other materials for public school libraries. (Minutes, Vol. 16, p. 7, Jan. 26-27, 1945.)

1. The purchase, with State funds, of audio-visual equipment and teaching supplies which have been selected by a committee of the Department of Education and submitted to the Director of Purchase and Printing. This equipment so selected consists of sound and silent motion picture projectors, still picture projectors, classroom screens, sound and silent motion picture films, globes, maps, and charts.

2. The purchase, with State funds, of two sizes of auditorium screens through the State Division of Purchase and Printing.

3. The purchase, with State aid funds, of 2" x 2" slides and film strips on the printed library lists by the State Board of Education.

The Board approved the list with the statement that it is the policy of the Board, wherever possible, to have duplicate listings. (Minutes, Vol. 21, p. 86, June 22, 1950.)

Part III - continued (2)

FILM CIRCULATION FROM STATE AND REGIONAL BUREAUS OF TEACHING MATERIALS

General circulation of films from the State and Regional Bureaus of Teaching Materials is restricted to Virginia public schools and State-supported colleges with certain exceptions given below. This may be interpreted as meaning that in general films are circulated to schools for use in regular scheduled classes under the direction of teachers. However, films may also be used in the schools under the teachers' direction for club activities, etc., where the club or organization is sponsored by the school. Films may also be used for adult education........ (Minutes, Vol. 20, pp. 158-159, Nov. 9, 1949.)

The Annual Report, 1959-60, of the Superintendent contains the following statements relating to AV activities:

pp. 79-82:

DIVISION OF PUBLICATIONS AND TEACHING MATERIALS

The richness of the instructional program depends to a considerable extent upon the quantity and quality of the teaching materials provided. Among the important resources which Virginia schools provide so that children and youth may have good learning experiences are library services and materials, including textbooks, and a variety of audio-visual materials and equipment.

Efforts of this Division are directed to the development of an awareness of the need for suitable instructional materials, the development of competence in their selection and organization, the promotion of efficiency and economy in their procurement and distribution, and to the stimulation of more effective uses of these teaching resources.

The Division is charged also with the production of educational motion pictures and filmstrips for use in the public schools of the Commonwealth and with the production of films for other State agencies.

Along with the major functions referred to above, the Division handles the distribution of certain publications issued by the Department.

Three Services comprise the Division of Publications and Teaching Materials: Bureau of Teaching Materials, Film Production, and Libraries and Textbooks. The reports on the activities of these services for the fiscal year beginning July 1, 1959 follow.

BUREAU OF TEACHING MATERIALS

Purpose and Scope

The primary purpose of the State Bureau of Teaching Materials and the four Regional Bureaus, located at Longwood College, Madison College, Radford College, and the University of Virginia, is to provide such services to Virginia school divisions as will aid in improving pupil learnings through the effective use of teaching materials and the instructional program.

State: Virginia

PART III - continued (3)

To accomplish this, the State and Regional Bureaus provide, in so far as resources will permit, the following services:

Distribution to schools of educational motion pictures and tape recordings for regular classroom instruction.

Assistance in the selection, acquisition, distribution, and use of various kinds of teaching materials.

Consultation and assistance in the establishment of facilities which make possible improved use of teaching materials.

Promotion and assistance of pre-service and in-service teacher education in improved use of teaching materials.

In addition to the services listed above, the State and Regional Bureaus also provide the following: ....

Motion pictures and recordings for use in pre-service and in-service training of teachers and for use in interpreting to the public the educational program of the schools.

Motion pictures and recordings for use by parent-teacher associations in their educational programs.

Listings of filmstrips approved for purchase with State matching funds provided through the Textbook and Library Service.

Certain audio-visual equipment and materials to all Services of the State Department of Education.

Accomplishments

1. Educational Films Distributed. A total of 215,556 educational motion pictures were booked from the State, regional, and division teaching-materials centers by the Virginia public schools during the school year 1959-60. This was an increase of 8 per cent over the bookings of the previous year. It is estimated that these accounted for more than 21,400,000 per pupil showings, or an average of 26 for each pupil enrolled.

2. Field Work. The professional staff of the State Bureau of Teaching Materials visited 114 school divisions in the State during the school year. These visitations included conferences with the division superintendent and/or members of his administrative and supervisory staffs, as well as with school principals and teachers in matters relating to extending and improving the use of all types of teaching materials in the instructional program.

PART III - continued (4)

3. Instruction by Television. During the year direct classroom instruction by means of television was carried on in five areas of the State as follows:

   a. Norfolk Area: These programs, produced by Norfolk City Schools, were received and used by schools in the following school divisions: Norfolk City, 86 TV receivers; Norfolk County, 60 TV receivers; Portsmouth, 13 TV receivers; Princess Anne County, 6 TV receivers. Programs were produced for both secondary- and elementary-school use and included such subject areas as science, French, geometry, U. S. History, and art. Programs were carried on a commercial station on time leased by Norfolk City Schools.

   b. Accomack County: These programs jointly sponsored and produced by the school systems in southern Delaware, Eastern Shore Maryland, and Accomack County, Virginia, were carried on leased time over a commercial station in Salisbury, Maryland. Accomack County had a total of 32 TV receivers which brought programs to schools in the northern half of the County. Programs included Spanish, music, art, and general science.

   c. Northern Virginia Area: School divisions in the vicinity of Washington, D.C. have participated with neighboring counties in Maryland in a cooperative project known as the Greater Washington Area Education Television Council. Programs in elementary school science are carried over a commercial station in Washington, D.C. The following Virginia school divisions have participated in the project: Arlington, 52 TV receivers; Fairfax, 47 TV receivers; Alexandria, 19 TV receivers; Falls Church, 11 TV receivers.

   d. Richmond City: The Richmond City Schools produced programs for use at the elementary-school level in the areas of French, language arts, music, arithmetic, and art. These programs were carried on leased time over a local commercial station. Richmond City has 79 receiving sets in its schools.

   e. Danville: Several of the Danville schools participated in the educational television project originating in North Carolina and telecast by WUNC-TV, Channel 4, an educational station operated by the Consolidated University of North Carolina. Included in programs used in Danville were those in the subject areas of science and Spanish.

5. Teaching Machines. The Woodrow Wilson Jr. High School of Roanoke in cooperation with Hollins College carried on an experiment in providing algebra instruction through the use of teaching machines to a class of eighth-grade pupils. The class, without aid of textbooks, workbooks, teacher instruction or homework, completed a full year course in algebra in one semester. It is reported that on the basis of standardized-test scores, this class did as well as those taking a full year of conventional instruction.

PART III - continued (5)

6. National Defense Education Act. Reports received from school divisions show that 20 divisions have purchased educational motion pictures under the provisions of the NDEA. Total number of prints acquired through such purchase was 1,120. Most of these were related to secondary school science with a very limited number applying to mathematics and modern foreign language. Reports also reveal that a total of 29 divisions plan to add film subjects to their division teaching-materials centers under the provisions of the act during the 1960-61 school year. Twenty-three of these would be divisions which had not made such additions during the past school year. In addition to the purchase of motion picture films for division centers a large number of secondary schools have acquired projection equipment (motion picture, filmstrip, overhead, opaque, micro projectors) and tape recording equipment under the provisions of the act. These schools have also acquired filmstrips, slides, charts, models, and recordings for use in science, mathematics, and modern foreign language under the provisions of the Act.

7. Evaluation of Materials. The professional staff of the Bureau of Teaching Materials has during the past year worked closely with the Division of Secondary Education in evaluating audio-visual materials and equipment (films, projectors, recorders, etc.) and in preparing listings of such materials that would be approvable under the provisions of the NDEA. It has also worked closely upon request with the administrative and supervisory staff of school divisions in the selection of such materials and equipment as would best meet local needs.

A TYPICAL DIVISION CENTER

A total of 82 school divisions have locally-owned film libraries (teaching-materials centers). These, for the most part, are those divisions having the larger enrollments. Together they include more than 88 per cent of the total school population. These centers have a total of 20,298 films on which they reported 125,833 bookings for the year, or an average of 6.2 bookings per print. While, as is to be expected, the number of films in the various centers varies somewhat in proportion to school enrollment, the average number per division center is 248. With these 248 prints they averaged 1,538 bookings for the school year. In addition they averaged 1,082 bookings from the State and Regional Bureaus for a total of 2,620 bookings.

Of these 82 centers, 54 reported that they circulated other types of instructional materials in addition to motion picture films. Materials circulated included filmstrips, slides, recordings, charts, maps, models, and the like. Thirty-three centers reported that they circulated four or more such types of materials including motion pictures to their schools.

On the basis of averages taken from reports received, the following provides a typical illustration of a school division selected from the 54 referred to above:

State: Virginia

PART III - continued (6)

"Typical Division Center"

Total pupil enrollment	8,600
Number of teachers	340

Materials Available from the Division Center

	Number	Bookings
Educational Motion Pictures	248	1,538
Filmstrips	502	726
Slides	265	142
Recordings	235	376
Flat Picture Sets	73	111
Charts and Maps	41	38

In addition to the above, this "typical division materials center" would have a limited selection and quantity of the following items which would be available for circulation to teachers upon their request: Models, rock collections, globes, art reproductions, history kits, special science equipment, and the like.

Within the schools of this division, additional materials such as filmstrips, recordings, flat picture sets, resource units, maps, globes, models would be found housed and circulated from the school library which would serve as a center of materials for learning for the school. The school librarian, as teaching-materials representative, would also order materials from the division center and the State and Regional Bureaus of Teaching Materials at the request of the teachers for use in their classroom instruction. The librarian would give instruction to teachers in the operation of the projection and recording equipment.

In the schools of this division the following equipment would be available for teacher use in the quantity indicated:

	Total	Number of Teachers per Piece of Equipment
Motion picture projectors	31	11
Filmstrip projectors	26	13
Tape recorders	17	20
Opaque projectors	9	38

pp. 86-88:

FILM PRODUCTION

Purpose and Scope

The Film Production Service was established in 1946 by an act of the General Assembly to produce educational motion pictures and filmstrips on history and natural resources in Virginia. Production

PART III - continued (7)

Production services have since been extended to cover films in other areas of public education and for other Virginia State agencies.

Film subjects generally originate in the Film Production Service through requests and are based upon needs as reflected in the public schools.

Films may be requested by Divisions of the Department of Education or by the heads of State agencies.

Approval by the State Superintendent of Public Instruction and the Governor of subject matter, content and purpose of a film is required before actual production begins.

The Film Production Service has the supervisory and technical staff to produce 16 mm motion pictures in sound and color as well as filmstrips, color slides, tape recordings, and other audio-visual aids of professional quality......

The Film Production Service also produced color filmstrips, following somewhat the same production procedures as in the case of films. In addition, color slides, still pictures and magnetic tape recordings are made for the various Services of the Department of Education, for school divisions, and for Virginia State agencies.

Accomplishments

Motion Pictures Completed:

The Common Law: 1 reel.....
Dismal Swamp: 2 reels.....
The Modern World of Industrial Arts: 1 reel.....
Breaks of the Cumberland.....

Motion Pictures in Production:

James Monroe, The Boy, The Man, and The President: 2 reels.....
Natural Wonders of Virginia: 2 reels.....
The Visiting Teacher: 2 reels.....
Tippecanoe and Tyler Too: 1 reel.....

Motion Pictures in Planning:

Driver Education Series: 13 films, 3 reels each.....
Marine Animals on the Virginia Coast: 1 reel.....

Filmstrip:

The Jamestown Story: 71 frames.....

State: Virginia

PART III - continued (8)

Tape Recordings:

Magnetic tape recordings of features of state-wide conferences were made. Many of these tapes were deposited with the Bureau of Teaching Materials for distribution to the public schools.

Color Slides and Still Pictures:

Color slides and still pictures were made for the various services of the Department of Education.....

Distribution:

Prints of new productions were given to the five State libraries and 74 prints sold to local divisions. Over 1,200 prints of films made by the Film Production Service are now in use in Virginia. Thirty-eight copies of prints were sold for use in other states, territories, and countries, and the U. S. Department of State for distribution overseas. One Hundred and twenty-six prints were rented for out-of-state use.

Many of our films are being shown throughout the United States on television.

State: Virginia

PART III - continued (9)

Source: Ch. 428, Acts of Assembly, 1962, House Bill 210, approved March 31, 1962.

An Act to provide for the development of educational television facilities; and to this end to define terms, establish the advisory council on educational television, provide for the appointment of its members, the powers, duties and functions of the council, and to provide for assistance in the construction of such facilities.

Be it enacted by the General Assembly of Virginia:

1. This act may be cited as the "Educational Television Station Facilities Construction Act".

2. As used in this act:

(a) "Television station" or "stations" means studio, tower, and other facilities required for, or useful in, the production and broadcast of programs which may only be received through those devices known as television receivers and which station is owned by any nonprofit corporation whose sole purpose is the operation of a television station, the facilities of which are used exclusively for educational purposes;

(b) "Nonprofit" as applied to a television station means a station owned and operated by a corporation, a municipal corporation, or association, no part of the net earnings of which enures, or may lawfully enure, to the benefit of any private shareholder or individual;

(c) "Council" means the Advisory Council on Educational Television, created under this act.

3. There is hereby established within the office of the Governor the Advisory Council on Educational Television. The Council shall be charged with conducting engineering, and other necessary studies pertinent to the use of television for educational purposes, making a survey of existing television facilities, surveying the need for educational television facilities and assisting counties, cities and towns and the school authorities thereof in the construction, establishment, operation and use of such facilities and programs broadcast therefrom.

The Governor may upon request of the Council assign to any agency within his office all or any part of the duties imposed upon the Council by this act.

4. In carrying out the purpose of this act, the Council, through its chairman, is authorized and directed:

(a) to require such reports, make such inspections and investigations and prescribe such reasonable regulations as it deems necessary; to procure the temporary services of experts or consultants or organizations thereof when such services are to be performed on a part-time or fee-for-service basis; to enter into agreements for the utilization of the facilities and services of other State departments, agencies and institutions, public or private; and

(b) to accept on behalf of the State and to deposit with the State Treasurer any grant, gift, or contribution made to assist in meeting the cost of carrying out the purposes of this act, and to expend the same for such purpose.

5. The Council shall consist of thirteen members to be appointed by the Governor, who shall appoint at least one person from each congressional district and three other members from the State at large. The Governor shall designate one of the members as Chairman.

Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and except that the terms of office of the members first taking office shall expire, as designated at the time of appointment, as follows: of four members at the end of the first year, of three members at the end of the second year, of three members at the end of the third year, and of three members at the end of the fourth year, after the date of appointment. Council members, while serving on business of the Council, shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence to be paid from funds appropriated to carry out the provisions of this act. The Council shall meet as frequently as the Chairman deems necessary, but not less than once each year. Upon request by a majority of the members, it shall be the duty of the Chairman to call a meeting of the Council.

6. The Council is authorized and directed to make an inventory of existing facilities for educational television, to survey the need for construction of educational television facilities, and on the basis of such inventory and survey to develop a program for the construction of such public and other non-profit facilities for educational television as will, in conjunction with existing facilities, afford the necessary educational television facilities as will furnish adequate educational television programs throughout the State.

7. The construction program shall provide, in accordance with regulations which the Council is hereby authorized to adopt under this act, for adequate educational television facilities for the people residing in this State and, in so far as possible, shall provide for their distribution throughout the State in such manner as to make educational television programs reasonably accessible to persons desiring the same throughout the State.

8. The Council shall prepare and make public a State plan which shall include the educational television facilities construction program developed under this act and which shall provide for the establishment, administration, and operation of a program of educational television facilities construction activity in accordance with the regulations adopted under this act. The Council shall give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations

with an interest in such plan may be given an opportunity to express their views. After approval of the plan by the Council, it shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The Council shall from time to time review the educational television facilities construction program and make such amendments as seem proper. The State Board of Education shall work in cooperation with the Council and will furnish such services as may be agreed upon including a secretary for the Council.

9. The State plan shall set forth the relative need for the several projects included in the construction program determined in accordance with regulations prescribed by the Council, and provide for the construction, in so far as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need.

10. Applications for educational television facility construction projects for which State funds are requested shall be submitted to the Council and may be transmitted by the State to any political subdivision thereof or to any public or nonprofit agency authorized to operate an educational television station which is interested in such project. Each application for a construction project shall conform to State requirements.

11. The Council shall afford to every applicant for a construction project an opportunity for a fair hearing. If the Council, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of this act and is otherwise in conformity with the State plan, it may approve such application.

12. From time to time the Council shall inspect such construction project approved by it, and, if the inspection so warrants, the Council shall certify to the Comptroller that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of State funds is due to the applicant.

13. The Council is hereby authorized to receive funds in behalf of, and transmit them to, such applicants. There is hereby established separate and apart from all public monies and funds of this State, an Educational Television Facility Construction Fund. Money received for a construction project approved by the Council shall be deposited to the credit of this fund and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Invoices for all payments from such fund shall bear the signature of the Council or its duly authorized agent for that purpose.

14. The contribution by the State to the construction of any facility for educational television shall not exceed one-third of the cost thereof. No part of the State appropriation for the construction of any educational television facility shall be made available by the Council unless and until the Council has satisfactory assurances that the necessary funds to finance two-thirds of the cost of any such project have been or will be made available from sources other than State funds.

State: Virginia

Source of information unless otherwise stated: Virginia School Laws, Bulletin, State Board of Education, Nov. 1958, and Oct. 1960 cumulative supplement; Regulations of the State Board of Education, Bulletin, State Board of Education, Feb. 1959; Superintendent of Public Instruction, Annual Report, 1959-1960

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

See general powers, Part II

Yes 3. Preparing curricula

Virginia Constitution, Sec. 130;
Sec. 22-97(2); 22-233 to 22-240

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

See general powers, Part II

Yes 5. Organizing AV units and cooperative activities

See general powers, Part II

Yes 6. Conferring on AV use outside of State educational structure

Sec. 22-97(9), also see Topic 24

State: Virginia

PART IV (continued)

Yes or No	
Yes	7. Selecting AV aids (and observing academic freedom) Sec. 22-296
Yes	8. Selecting textbooks (and observing academic freedom) Virginia Constitution, Sec. 132(4) Sec. 22-295 to 22-318
Yes	9. Acquiring AV aids and school supplies, equipment, and textbooks Secs. 22-97(10; 22-72(6); 22-308; 22-309-22-311
Yes	10. Financing acquisition by rent or purchase Secs. 22-72(6); 22-97(10; 22-161; 22-163; 22-316; Regulations of the State Board of Education, supra, p. 2
Yes	11. Regulating use of AV aids and keeping statistics on use and using personnel Sec. 22-209
Yes	12. Distributing AV aids Secs. 22-295; 22-307; 22-315
Yes	13. Producing AV aids See general powers, Part II
Yes	14. Certificating teachers and AV professionals Sec. 22-204 Regulations of the State Board of Education, supra, p. 3
Yes	15. Prescribing qualifications of using personnel Secs. 22-202; 22-203

State: Virginia

PART IV (continued)

Yes or No	
Yes	16. Accrediting schools Sec. 22-159 Regulations of the State Board of Education, supra, p. 3
Yes	17. Building or remodeling schools to facilitate AV use Secs. 22-72(6); 22-97(10); 22-105; 22-146.1; 22-152; 22-166.1; 22-166.2
Yes	18. Federal aid to schools Secs. 2-3 and 2-4 (Title 2, Code of Virginia, Administration of the Government generally); Sec. 22-151
Yes	19. State aid to schools Virginia Constitution, Secs. 134, 135, 136 Secs. 22-101; 22-101.1; 22-106; 22-107; 22-116; 22-119; 22-120; 22-120.3; 22-126; 22-127; 22-128; 22-129; 22-138.1; 22-141; 22-166.1; 22-166.2
Yes	20. Private aid to schools Secs. 22-145; 22-148- 22-163
Yes	21. Library programs Sec. 22-163
Yes	22. Research programs Sec. 22-166.3 Superintendent of Public Instruction, Annual Report, supra, p. 132
Yes	23. Institutes Regulations of the State Board of Education, supra, p. 7
Yes	24. Other established procedures Sec. 22-210

State: Virginia

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

General powers of State Board and State superintendent of public instruction - see Part II.

Topic 3 - Preparing curricula

Generally Section 130 of the Constitution of Virginia vests in the State board of education the general supervision and power to control and regulate the subjects to be taught in the public schools.

Secs. 22-233 to 22-240 set out the list of courses required to be taught in the elementary and secondary schools.

Sec. 22-97(2) gives the local school board of a city the authority to determine the studies to be pursued and the method of teaching them.

Topic 6 - Conferring on AV use outside of State educational structure

Sec. 22-97(a) empowers the city school board to call meetings of the people of the city for consultation in regard to the school interests thereof.

Topic 7 - Selecting AV aids

Sec. 22-296 - the State Board shall select textbooks and educational appliances, including films, for use in the public schools of the State .....(1954 amendment inserted the words "including films")

Topic 8 - Selecting textbooks

Sec. 132(4) of the Constitution of Virginia provides that the State Board of Education shall select textbooks and educational appliances for use in State schools.....This section was later incorporated into Sec. 22-296.

Sec. 22-295 authorizes the State board to adopt rules and regulations governing the purchase of textbooks adopted by it for use in the public schools and for their distribution.

Sec. 22-297 provides that the basal textbooks (required) shall not be changed for six years, subject to renewal, unless the book becomes obsolete, or a change would result in a material decrease.

The pamphlet, "Regulations of the State Board of Education, 1959", supra, at page 11, provides for a free textbook system in accordance with the free textbook law, Secs. 22-295 through 22-318.

PART IV - continued (5)

Topic 9 - Acquiring AV aids and school supplies, equipment and textbooks

Secs. 22-72(6) and 22-97(10 authorize the local boards to provide for the equipping of schoolhouses.

Sec. 22-308 provides that the division superintendent shall make out a requisition form to be furnished by the State board of education, covering all adopted textbooks needed for the supply of the schools.....

Sec. 22-309 provides that the county and city school boards shall forward promptly the back orders to the respective publishers for shipment of books directly to the respective local school boards, unless a central depository is set up by the State board, Sec. 22-311.

Topic 10 - Financing acquisition

The textbooks are purchased with money appropriated for this purpose by the State board and distributed by the board to the various counties and cities, Sec. 22-316.

Regulations of State board of education, p. 2, cited in Part III, provide that the purchase of AV materials shall be done on the same basis as used in the purchasing of books and other materials.....

Sec. 22-161 provides that the school board shall have the power to sell or exchange and convey the real and personal school property of the county.....

Sec. 22-163 gives the local school board the power to purchase materials and appliances for school libraries.

(General powers cited in Topic 9 would seem to give the local boards the power to purchase school supplies and equipment, Secs. 22-72(6), 22-97(10).)

Topic 11 - Regulating use of AV aids

Generally see powers set out in Part II. Specifically, Sec. 22-209 requires that every school teacher shall keep a daily register of facts pertaining to his school in such form as the Superintendent of Public Instruction shall require.....

Topic 12 - Distributing AV aids

Generally see powers in Part II. Specifically Sec. 22-295 gives the State board of education the power to adopt rules and regulations governing the distribution and care of textbooks (also see Sec. 22-307 and Sec. 22-315). With the 1954 amendment including film in the articles that may be selected by the board of education (Sec. 22-296), it is reasonable to assume that the State board may adopt rules and regulations for the distribution of films (AV aids).

PART IV - continued (6)

Topic 13 - Producing AV aids

See general powers, Part II.

Topic 14 - Certificating teachers

"Regulations of the State Board of Education", 1959, *supra*, page 3, empowers the State board of education to provide for the certification of teachers in accordance with a plan which will guarantee reasonable standards and encourage professional improvement.....

Sec. 22-204 provides that no teacher shall be regularly employed by a school board or paid from the public funds unless such teacher holds a certificate in full force in accordance with the rules of certification laid down by the State board.

Topic 15 - Prescribing qualifications of teachers

Sec. 22-202 - The State board shall provide for the examination of teachers by a State board of examiners.....

Sec. 22-203 - The school board on recommendation of the division superintendent shall employ teachers and place them in appropriate schools and shall dismiss teachers when delinquent, inefficient or otherwise unworthy.

Topic 16 - Accrediting schools

"Regulations of the State Board of Education", 1959, supra, at page 3, provide that the State board shall accredit as standard high schools certain high schools in the State which meet the requirements set up by the board, and shall further accredit as junior high schools or intermediate schools, those institutions which meet the required standards.

Note: Minimum requirements for accreditation are defined in the State board of education bulletin, "Standards for the Accrediting of Secondary Schools".

Sec. 22-159 - The State board shall not refuse to accredit any school in this State, or any diploma or certificate issued by such school, for the sole reason that such school is not being conducted in a building meeting the requirements of the State board.....

Topic 17 - Building or remodeling schools

Sec. 22-72(6) and Sec. 22-97(10) give to the local school board the power to provide for the erecting of necessary school buildings and appurtenances.....

Sec. 22-105 authorizes the State board to lend to the school boards of the several counties, cities, and towns, operating as separate school districts.....money belonging to the Literary Fund....., for the purpose of erecting, altering or enlarging schoolhouses.....

State: Virginia

PART IV - continued (7)

Sec. 22-146.1 creates a State aid in construction fund out of the general funds of the State treasury. The purpose of this fund is to meet an emergency existing because of the inadequacy of public school facilities.....

Before any money is appropriated to the school boards for construction of buildings out of either fund (Sec. 22-105 or Sec. 22-146.1), the building plans must be approved by the division superintendent and the State superintendent (Sec. 22-152).

Secs. 22-166.1 and 22-166.2 provides that the State board shall prepare standard plans for school buildings and that these plans are submitted to local boards in aiding the board to build schools. They also provide that the State will aid in carrying out many details in building schools.

Topic 18 - Federal aid

Sec. 2-3 - Any department, agency, bureau or institution of the State of Virginia may accept grants of funds made by the United States government, or any department or agency thereof, to be applied to purposes within the functions of such State department, agency or bureau or institution, and may administer and expend such funds for the purposes for which they are granted.

Sec. 2-4 - The State treasurer is appointed custodian of all such funds, and shall disburse them on warrants issued by the department, agency, bureau or institution for whose use they are granted.

Sec. 22-151 authorizes any school board to acquire property from the United States or any agency thereof.

Topic 19 - State aid

Sec. 22-116 - The fund applicable annually to the establishment, support and maintenance of public schools consists of:

(1) State funds embracing the annual interest on the Literary Fund, all appropriations made by the General Assembly for public school purposes; that portion of the capitation tax required by the Constitution to be paid into the State treasury and not returnable to the localities, and such State taxes as the General Assembly may order levied (See Virginia Constitution, Sec. 135).

(2) Local funds embracing such appropriations as may be made by the board of supervisors or council for school purposes, or such funds as shall be raised by levy by the board of supervisors or council as authorized by law, and donations or the income arising therefrom, or any other funds that may be set apart for local school purposes. (See Virginia Constitution, Sec. 136.)

State: Virginia

PART IV - continued (8)

Sec. 134 of the Constitution of Virginia and Sec. 22-101 create a Literary Fund. It shall be managed by the State board. The fund shall consist of the old literary fund, proceeds of all public lands donated by congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the State for forfeiture, and all fines collected for offenses committed against the State, donations made for the purpose, and such other sums as the General Assembly may appropriate (see Sec. 22-101.1). Principal remains the same; annual interest is distributed.

The State board shall provide for an equitable distribution of the funds loaned from the Literary Fund among the several counties and cities of the State (Sec. 22-106).

(Disbursement of funds for construction of buildings was discussed in Topic 17.)

Sec. 22-107 authorizes the local school board to borrow from the fund upon written application.

Sec. 22-119 - provides that the State treasurer will apportion to counties that have United States forest reserve land moneys received for use of said land. It shall go to the credit of the public school fund of the county.

Sec. 22-120 provides that city or county government on behalf of school board may borrow money with express authority of the General Assembly (see Sec. 115(a), Virginia Constitution; also see Sec. 15-666.18).

Sec. 22-120.3 provides that the board of county supervisors shall include in the county budget the budget for the schools of the county.

The school budget is estimated by the division superintendent with approval of the local board, Sec. 22-120.3.

Sec. 22-126 authorizes each county and city to raise sums of money by a tax on all property, subject to local taxation,.....

Sec. 22-127. In lieu of making such school levy, the governing body of any county or city may make a cash appropriation from the funds derived from the general county or city levy of an amount not less than the sum required by the county or city school budget provided for in Sec. 22-122.

Sec. 22-128 authorizes a county or city to levy a special tax for capital expenditures and for payment of indebtedness or rent.....

Sec. 22-129 authorizes towns operating independent school boards to levy an additional tax on all property in the town, subject to local taxation for support and maintenance of schools. The town governing body has an option to make a cash appropriation (Sec. 22-127).

PART IV - continued (9)

Sec. 22-141 provides that a town operating a school board within a county is to share in the funds appropriated to the county wherein it is located on a pro-rata basis.

Sec. 22-138.1 - School funds are to be apportioned on the basis of school population in each school district. Sec. 22-140 empowers the State board to approve or amend the apportionment scheme set up by the Superintendent of Public Instruction.

Sec. 22-166.1 and Sec. 22-166.2 cited in Topic 17 provide for State aid in preparation of school building plans and the carrying out of such plans.

Topic 20 - Private aid to schools

Sec. 22-145 provides that donations made to the State board shall be paid to the State treasurer. Such donations shall be paid by the treasurer in accordance with the wishes of the donor on the warrant of the State comptroller.....

Sec. 22-148 - When any real or personal property is given, devised or bequeathed to any county school board, or city board, it shall be vested in the county or the city school board and applied according to the wishes of the donor.

Also, see Sec. 22-163 cited in Topic 21.

Topic 21 - Library programs

Sec. 22-163 - The purchase of materials and appliances for school libraries.

This section provides that if patrons and friends of any public school shall raise by private subscription the sum of five dollars, the county board will appropriate fifteen dollars and the State board will appropriate forty dollars toward the purchase of books, materials and appliances for a school library connected with such school.

The libraries shall be purchased and properly cared for under the rules and regulations adopted by the State board.....

In the pamphlet, "Regulations of the State Board of Education", 1959, supra, at page 10, provides for State aid for Public School Libraries. Ten per cent of the State Aid Fund for public school libraries will go to the development, administration, experimentation, and the promotion of public school libraries; ninety per cent shall be apportioned to the several school divisions in accordance with the equalization principles.

On page 13 of the above pamphlet, the State board of education prescribes library standards for elementary and high schools.

State: Virginia

PART IV - continued (10)

Topic 22 - Research programs

Sec. 22-166.3 establishes an advisory research committee. Its composition and duties are set out in Part II.

"The Superintendent of Public Instruction, Annual Report, 1959-1960" at page 132 sets out the functions of the Division of Research and Planning. Among these functions is to discover and promote practices and procedure which may be used in the improvement of instruction.

Topic 23 - Institutes

The "Regulations of the State Board of Education, 1959", supra, at page 7 provides that it shall be the duty of the division superintendent to encourage and assist in the organization and management of county institutes, of which at least one shall be held during each school session, and they shall labor in every practicable way to elevate the standard of teaching in the public schools and improve their condition.

Topic 24 - Other established procedures

Sec. 22-210 - The school board shall encourage meetings of teachers to be held from time to time in the county under such regulations as the division superintendent of schools may prescribe.

Source: Educational Motion Pictures for Virginia Public Schools,
Vol. XLIV - July 1961 - No. 1 - Commonwealth of Virginia

Bureaus of Teaching Materials

Organization for distribution and utilization of teaching materials in Virginia is provided for on four different levels: (1) State (2) Regional (3) Division and (4) the single school.

1. State Level Functions--The State Bureau of Teaching Materials, State Department of Education, Richmond, has as one of its functions the stimulation of increased and improved utilization of teaching materials for the purpose of improving instruction in the public schools of the State. The State Bureau of Teaching Materials serves the Tidewater Area as a regional film library. In addition, certain other films, not available in the Division or Regional film libraries may be requested from this source by any school in the State. Its staff members are available for visits to school divisions to assist with problems relating to organization for the distribution, care, and utilization of teaching materials and equipment.

2. Regional Level Functions--Regional Bureaus of Teaching Materials are located in the following institutions: (a) Longwood College, Farmville; (b) Madison College, Harrisonburg; (c) Radford College, Radford; and (d) University of Virginia, Charlottesville. Each regional bureau serves a specific section of the State (see map of regions, page iv) by (A) serving as a basic film library to schools in divisions which do not have a film library, (B) supplementing the offerings of films to schools in those divisions having their own basic film libraries,(C) providing pre-service training in the utilization of teaching materials for prospective teachers, and (D) providing teaching materials for use in college classes. Directors or regional bureaus provide additional services by assisting in the evaluation of materials: by visiting schools which have asked for assistance in regard to the use of teaching materials; and by advising on general details of the States Teaching Materials Program. In-service training in audio-visual education is offered through both regular and extension classes.

3. Division Level Functions--The county or city teaching materials center serves as the immediate source of teaching materials for schools in the school division. Types of materials which for reasons of economy may not be in the possession of the individual schools should be distributed from these centers, included in these may be instructional motion pictures, slides, filmstrips, recordings, maps, charts, globes, objects, specimens, models, picture collections and special equipment. The responsibility for administering the center should be placed upon an individual who has an understanding of distribution procedures as well as thorough knowledge of the curriculum. This responsibility might be assigned to either a supervisor of instruction or a librarian. In some instances the problems of distribution and utilization might be cooperatively administered by a librarian and a supervisor of instruction. Procedures for distribution should be organized so as to insure getting requested material to the teacher at the time it is

needed with a minimum of effort on her part.

4. Single School Functions--All types of teaching equipment and materials should be kept in the library in each school. There should be some systematic plan for facilitating the use of such materials of instruction. Each school should have a trained librarian, or if a trained librarian is not available, a faculty member who serves as the school's Bureau of Teaching Materials' representative. The person assigned this duty should order, receive, and return borrowed materials for all teachers and care for all locally-owned materials; such as, filmstrips, maps, globes, charts, or still picture collections. The librarian or the Bureau of Teaching Materials' representative should also train teachers and volunteer library student assistants (or other students if and when student library assistants are not available) to operate projection equipment and to check it in and out of the library in the same way books are handled. Each teacher should be able to operate projection equipment even though she may not always perform this task each time audio-visual materials are used in her classroom.

The principal should ordinarily take the lead in encouraging good utilization procedures and facilities within his school. He should make an effort to have his classrooms equipped with darkening facilities, electrical outlets, and adequate ventilation. He should discourage indiscriminate use of teaching materials, particularly with respect to the matter of requiring classroom, single-class use, rather than auditorium, several-class use, of such materials. Suggestions listed under the following section should provide a basis for his supervision of the use of teaching materials in his school.

WASHINGTON (1959-60)

Enrollment in full-time public schools:

Elementary	453,489
High School	155,546
Number of school districts (including non-operating)	425
Number of elementary schools	1,166
Number of high schools (including junior high)	455
Expenditure per pupil in average daily attendance	$426

Source: U. S. Department of Health, Education, and Welfare, *Preliminary Statistics of State School Systems*, 1959-60 (OE-20006,60, pp. 6-7, 9, 11.

WASHINGTON

County and Independent School Superintendencies

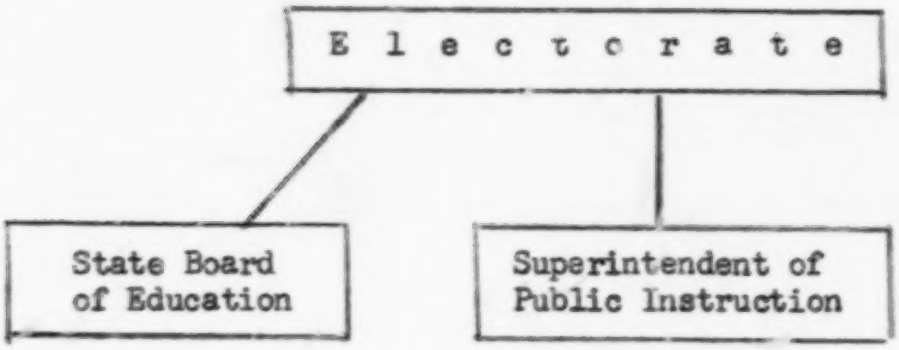
There are 303 school superintendencies in the State: 34 county-intermediate, 5 partial county-unit, and 264 independent city or town superintendencies. The superintendents in 28 of the 34 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. In the remaining 6 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, *Education Director, 1960-61*, Part 2, OE-20005-61, p. 193.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 151-153.

WASHINGTON

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

a. Schools....

State Board of Education.--Consists of 12 members, 2 from each congressional district, elected at conventions of boards of directors of school districts in the 6 congressional districts of the State. The board of directors of each school district within a congressional district appoints 1 representative to a convention called every 3 years by the State board of education for the purpose of electing 1 member to the State board of education. Members thus elected by conventions held in the various congressional districts hold office for overlapping 6-year terms in accordance with the original plan of succession. No person employed in any school, college, university, or other educational institution or in any county superintendent's office or in the office of the superintendent of public instruction is eligible for membership on the State board of education, and each member must be a resident of the congressional district from which he is elected. The superintendent of public instruction is the ex officio president of the State board of education.

3. Chief State School Officer

The superintendent of public instruction is elected by the qualified voters of the State on a non-partisan ballot for a 4-year term. The superintendent is, by virtue of his office, the president of the State board of education. He serves as executive officer of the State board of education....

7. Coordination of the State Education System Through Structure

The State board of education and the State superintendent of public instruction are jointly responsible for the coordination of the State program of public elementary and secondary education.

9. Fiscal Coordination

The following eight educational agencies file budgets with the director of the budget: ....State board of education, State superintendent of public instruction.

The director of the budget is appointed by the governor and serves in a staff capacity to him in preparing the executive State budget. All budgets filed are analyzed by the director and are compiled in a preliminary budget which is transmitted to the governor. The governor may require hearings to obtain further information regarding the estimates set forth in the preliminary budget. He has the authority to revise the preliminary budget through reducing the total amount, eliminating specific items, and increasing or decreasing specific items, except those for legislative expense and for the supreme court. The governor then prepares the executive State budget which he submits to the legislature with his budget message. This budget shows the amounts requested in the budgets of the various educational agencies and the revisions, if any, recommended by the governor.

State: Washington

Source of information unless otherwise stated: Education Manual (Laws Relating to Public Education in the State of Washington), compiled by Elmer Breckner. Seattle: Book Publishing Company, 1960, following format and section numbering of Revised Code of Washington.

PART I

Educational Organization

State level:

Department of Education: called no Department of Education as such. Expensive powers in Supt. of Public Instruction who has staff.

how organized:

established by:

is it a body corporate:

State Board of Education: called State Board of Education

established by: 43.63.010

is it a body corporate: no, part of Exec. Dept. of State.
See annotation, Chapter 43.63, citing State v. Womack, 4 Wash. 19.

composition: 14 members (2 from each Congressional district) 43.63.010, and ex officio, Supt. of Public Instruction as Pres. 43.11.030

how selected: annual election, called by Supt. of Public Instruction, in those districts where term of office of member is about to expire, 43.63.020. Vote is by mail, 43.63.030

is confirmation necessary: No

subject to what control: electorate, Also to Supt. of Publ.Instruc. who is ex officio President, 43.63.110

to whom reporting: No specific provision. The Supt. of Publ.Instruc. is the one who reports to Governor, 43.11.020

term of office: 6 years, 43.63.090

Chief state school officer: called Superintendent of Special Instruction

office established by: Article III, Sec. 1, Constitution
see also 43.11.010

how selected: general election, ibid.

is confirmation necessary: no

subject to what control: electorate

to whom reporting: the Governor, biennially, Sec. 43.11.030

term of office: 4 years, Art III, Sec. 2, Constitution

staff and who appoints: Assistant Superintendent, a Deputy Superintendent, and other assistants and clerks as needed, all appointed by Supt., 43.11.020

Other organization or official: called

State: Washington

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called County (or a consolidation of counties)

how organized: geographically

composition: 1 or more counties

is it a body corporate: apparently not

Board of education, if any: called County Board of Education (or consolidated Board of Education)

established by: 28.20.010

is it a body corporate: Apparently not

composition: 5 members 28.20.010 (same number upon redistricting after consolidation, 28.20.013)

how selected: elected by voters of county, 28.20.010 (or counties, 28.20.013) on basis of population representation.

is confirmation necessary: No

subject to what control: electorate

to whom reporting: no provision. The County Supt. does the reporting.

term of office: 4 years, 28.20.010

Administrative officer of unit; called County Supt. (but two or more counties can consolidate for purpose and have joint supt., 28.19.010

office established by: 28.19.010

how selected: elected, ibid.

is confirmation necessary: no

subject to what control: electorate. Also Supt. of Public Instruction, 43.11.030

to whom reporting: Supt. Public Instruction, 28.87.050; 28.19.060; also to Governor and legislature, 1959 c. 130; RCW Chapter 36.47.

term of office: 4 years, 28.19.010

staff and who appoints: assistant supts. and other necessary personnel, appointed by supt. with consent of county board of education, 28.19.020.

State: Washington

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called first class district

how organized: by population

composition: varying, 10,000 or more, 28.57.140

is it a body corporate: yes, 28.58.010

Board of education: called Board of Directors

established by: 28.58.080

is it a body corporate: no, District is, supra.

composition: 5 members, 28.58.080

how selected: elected by qualified voters of district, ibid.

is confirmation necessary: no

subject to what control: electorate
in general, to county supt., 28.19.060

to whom reporting:

term of office: 4 years, 28.58.080

Administrative officer of unit: called President of board and vice president of board

office established by: 28.62.030

how selected: elected by board from among members

is confirmation necessary:

subject to what control:

to whom reporting: board ("preside and perform such other duties as the board may prescribe", 28.62.050)

term of office: 1 year, 28.62.030

staff and who appoints: secretary of board, appointed by board, ibid.; also superintendents, teachers and other school employees, 28.62.180, employed by board.

State: Washington

PART I

Educational Organization (continued)

Local level or indeoendent

Organizational unit: called second and third class districts

how organized: by population

composition: varying

is it a body corporate: yes, 28.58.010

Board of education: called Board of Directors

established by: 28.58.080

is it a body corporate: no, District is, supra

composition: (a) second class, 5 members
(b) third class, 3 members

how selected: elected by qualified voters of district

is confirmation necessary: no

subject to what control: electorate

to whom reporting: annual financial report to State auditor RCW 49.09.230
generally, county supt., 28.19.060

term of office: 4 years

Administrative officer of unit: called clerk (The board also employs a "Supt. of School," but he has supervision only over his school, 28.62.060)

office established by: 28.63.010 (in 2d class dist. he may or may not be member of bd. but in 3d class he must be)

how selected: elected by board

is confirmation necessary: no

subject to what control: board, ibid.

to whom reporting: board, ibid., and to county supt., 28.58.150

term of office: pleasure of board, 28.63.010

staff and who appoints: not fixed

State: Washington

PART I

Educational Organization (continued)

Schools

Principals

appointed by: (a) 1st class, bd. of directors, 28.62.180
(b) 2d & 3d class, bd. of directors, 28.63.060

qualifications: general and experience

term of office: (a) 3 years, 28.62.180
(b) 1 year, 28.58.100(1)

Teachers

appointed by: (a) first class, bd. of directors, 28.62.180

qualifications: general

certification: by Supt. of Public Instruction, 28.70.080 and 43.11.030

tenure: 1 year, 28.58.100(1)

special assignments: not stated.

State: Washington

Source of information unless otherwise stated: Education Manual (Laws Relating to Public Education in the State of Washington), compiled by Elmer Breckner. Seattle: Book Publishing Co., 1960, following format and section numbering of Revised Code of Washington.

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Superintendent of Public Instruction

Sec. 28.02.010 General public school system. A general and uniform system of public schools shall be maintained throughout the state of Washington, and shall embrace common schools (including high and elementary schools, schools for special help and discipline, schools or departments for special instruction), technical schools, the University of Washington, the Washington State University, state colleges of education, junior colleges, state training schools, schools for defective youth, and such other educational institutions as may be established by law and maintained at public expense.

Sec. 43.11.030 Powers and duties. The powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To make biennially to the governor, on or before the first day of November preceding the regular session of the legislature, a report containing a statement of the general condition of the public schools of the state, with full statistical tables by counties showing: (a) the number of schools and the attendance, (b) the state and county funds apportioned, (c) the amount received from special tax and from other sources, (d) the amount expended for salaries of teachers, (e) the salaries paid by the several counties to the county superintendents of schools, (f) the amount paid for incidentals and expenses, (g) the amount paid for building and providing school-houses with furniture and apparatus, (h) the amount of bonded and other school indebtedness, with the rate of interest paid thereon, (i) the reports of all state educational institutions, or such portions thereof as he may think advisable, together with such other facts as he may deem of general interest. He shall also include in his report a statement of plans for the management and improvement of the schools;.....

State: Washington

PART II - continued (2)

(3) To prepare and have printed such blanks, forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of teachers, and such other blanks and books as may be necessary for the discharge of the duties of teachers and officers charged with the administration of the laws relating to the common schools, and to distribute the same to the county superintendents;

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions within this or nearby states, visiting schools, consulting county superintendents or other school officers;......

(7) To act as ex officio president of the state board of education;

(8) To hold an annual convention of the county superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Such convention shall continue in session not less than two days nor more than three days. It shall be the duty of every county superintendent in this state to attend the convention during its entire session, and he shall receive his actual traveling expenses in so attending;.....

(10) Annually, on or before the fifteenth day of August, to require of the president, manager, or principal of every educational institution in this state, a report of such facts, arranged in such form, as he may prescribe, and he shall furnish blanks for such reports; and every president, manager, or principal shall fill in and return such blanks within such time as the superintendent of public instruction directs;.....

(12) To issue teachers' certificates under the regulations of the state board of education;....

(14) To decide all questions and disputes which may be submitted to him in writing by any county superintendent, or that may be submitted to him, upon appeal from the decision of any county superintendent. He shall publish his rulings and decisions from time to time for the information of school officers and teachers; his decisions shall be final unless set aside by a court of competent jurisdiction;.....

Other Powers and Duties of Superintendent of Public Instruction

General. Supervise all matters pertaining to public schools and perform such specific duties as may be prescribed by law.

Courses of study. Approve courses for schools in districts operating fully accredited high schools, prescribe courses for schools in non-high districts, and cause to be printed and distributed courses in physical education prepared by state board of education.

PART II - continued (3)

Libraries. Recommend books for inclusion in county circulating libraries.

Sec. 43.63.140 Powers and duties. The state board of education shall:....

(4) Supervise the issuance of normal diplomas and teachers' certificates, and determine the types and kinds of certificates necessary for the several departments of the common schools;

(5) Examine and accredit secondary schools: Provided, That no public high school or private academy shall be placed upon the accredited list so long as secret societies arealllowed to exist among its students;

(6) Prepare an outline course or courses of study for the kindergarten, elementary school, junior high school, and high school departments of the common schools, and prescribe such rules for the general government of the common schools, as shall secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools;

(7) Prepare a uniform series of questions to be used by the county superintendents in the examination of teachers, and determine rules and regulations for conducting the same, and prepare questions for the examination of applicants for state elementary certificates, and life diplomas;

(8) Prepare answers to all examination questions which are prepared under the supervision of the board;

(9) Prepare uniform questions or provide other bases for use in the examination of the pupils completing the course of study in any division of the common schools;

(10) Arrange such courses and adopt and enforce such regulations as will place the state institutions in harmonious relations with the common schools and with each other, and unify the work of the public school system;

(11) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, principals, county superintendents, boards of directors of the public schools, boards of trustees of the state colleges of education, and boards of regents of the University of Washington, and of the State University of Washington;

(12) Hear and decide appeals as provided by law;

(13) Define the meaning of the word "education" in so far as the state's obligation is concerned, as it appears in article 9, section 1 of the state Constitution.

State: Washington

PART II - continued (4)

Additional Powers and Duties of State Board

Appeals. Decide appeal by a teacher from order of issuing officer revoking his certificate, RCW 28.70.170.

Compulsory courses of study. State board responsibilities respecting compulsory courses extend to common school curriculum, education in manners and morals, physical education, history and government in common schools and in teacher education institutions.

County superintendents' budgets. Examine budgets of county superintendents, fix amount to be allocated thereto from state funds, and certify said amount to superintendent of public instruction.

Federal funds. Establish regulations governing disposition of Federal funds made available to school districts for providing school facilities, RCW 28.47.120.

School district organization. Perform specified statutory duties pertaining to changes in school district organization.

School plant facilities. Prescribe regulations governing and review applications for state assistance to school districts in providing school plant facilities; approve cost of projects and authorize allotments of state funds; also perform other prescribed duties connected with state assistance program.

State funds to school districts for current operations. Establish (1) schedule of minimum funds required to meet minimum operating standards; (2) pupil-teacher ratio standards for determining number of educational units allowable for apportionment purposes; (3) standards for determining eligibility of a certificated employee to be counted as a special service unit, and number of such units to which a district is entitled; (4) regulations governing attendance credit for apportionment purposes if schools have been closed for reasons specified by law; also, approve for apportionment credit the operation of schools of a district for over 180 days during any one school year.

Sec. 43.63.150 Board to classify school districts. The state board of education shall prescribe rules and regulations governing the classification of school districts as high school districts and nonhigh school districts and classify school districts in accordance with such rules and regulations.....

Sec. 28.19.120 Duties of state board--Allocation by superintendent of public instruction--Special service fund. The state board of education shall examine the budget of each county superintendent and fix the amount to be allocated thereto from state funds and certify to the state superintendent of public instruction the amount of state funds needed for the county superintendents' budgets as approved by the state board of education and shall require the state superintendent of public instruction to allocate this amount from the current state school fund or from funds otherwise appropriated for that purpose to the county treasurers for deposit to the credit of the county superintendents' budgets for the use of the common schools.

PART II - continued (5)

County Superintendent

Sec. 28.19.060 Powers and duties. Each county superintendent:

(1) Shall exercise a careful supervision over the common schools of his county, and see that all the provisions of the common school laws are observed and followed by the teachers, supervisors and school officers;

(2) Shall visit the schools in his county, counsel with directors and teachers, and assist in every possible way to advance the educational interests in his county;

(3) Shall distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions and decisions of the superintendent of public instruction, as provided by law;

(4) Shall enforce the outline course of study adopted by the state board of education, or the course of study adopted by any other lawful authority, and enforce the rules and regulations required in the examination of teachers;

(5) Shall prepare an outline course of study for the books adopted in districts of the third class when the needs of the county demand: Provided, That said outline course of study shall be in harmony with the course adopted by the state board of education; ...

(10) Shall keep in a suitable book an official record of all persons under contract to teach in the schools of his county showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teachers certificate and the kind thereof, the salary paid, and the date of commencing school, with the length of term in days, which data shall be immediately reported to the county auditor of the county in which his office is located;

(11) Shall make an annual report to the superintendent of public instruction on the first day of August of each year for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks, and such other matters as the superintendent of public instruction shall direct.....

(13) Shall appoint school district officers in the districts of the second and of the third class to fill vacancies caused by death, resignation, failure to hold election, failure to qualify before the day for taking office, and absence from the district for a period of ninety days or failure to attend four consecutive meetings of the board without a reasonable excuse and appoint school officers for any new districts....

(14) Shall apportion school funds;

PART II - continued (6)

(15) Shall conduct such examination of teachers and make such records thereof as may be prescribed by law...

(16) Shall hold teachers' institutes according to law, and conduct such other meetings of the teachers of his county as may be for the best interests of the schools; and attend other meetings and conferences which may be of benefit to the schools of his county;

(17) May hold each year, one or more directors' meetings, the expense of which shall be audited and paid by the county commissioners: Provided, That such expense shall not exceed the sum of one hundred dollars in any one year;

(18) May suspend any teacher who may be teaching in his county, against whom he files charges. In case of such suspension he shall immediately notify the superintendent of public instruction of his action, and shall clearly and fully state his reasons for his action;...

(20) Shall counsel with school boards on selection of school sites.....

(21) Shall require all reports of school district officers, teachers and others to be made promptly as required by law;

(22) Shall see that the teacher's register is kept in accordance with law and the instructions of the superintendent of public instruction, and that the records of the school district clerks are properly kept;.....

(24) Shall serve as ex officio secretary of the county board of education and as ex officio secretary of the county committee for school district organization;

(25) Shall with the advice and consent of the county board of education adopt textbooks for all school districts not maintaining a four year accredited high school;

(26) Shall prepare an annual budget for his office for approval by the county board of education...

(28) Shall assist the school districts in preparation of their budgets as provided in chapter 28.63;.....

(33) Shall certify with the county treasurer to the superintendent of public instruction the amount of excise tax imposed by RCW 28.45.110;

(34) Shall certify certain statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28.44;

(35) Shall perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28.56;

(36) Shall carry out duties and issue orders creating new school districts and transfers of territory as provided in chapter 28.57.

(37) Shall perform all other duties prescribed by law.

PART II - continued (7)

Administrative programs of counties, coordination of. Act jointly with other elected county officials (a) in effecting coordination of the administrative programs of the county, (b) in submitting biennially to the governor and the legislature recommendations for procedural charges which would increase the efficiency of the offices headed by the aforesaid county officials, and (c) in so doing proceed as otherwise provided for by law. (1959 c 130; RCW Chapter 36.47.)

Approval of purchases in third-class districts. Approve in writing the purchase of maps, charts and other apparatus by boards of directors of third-class school districts. RCW 28.63.040.

Classification of school districts, change in. Order a change in the classification of a school district upon finding that the conditions requisite thereto exist. RCW 28.57.140.

Enforcement of requirements pertaining to school districts. Deduct twenty-five per cent from the annual apportionment due to a school district in case such district (a) fails to use the textbooks, or to comply with the course of study prescribed by lawful authority, or (b) issues a warrant to a person not legally qualified to teach in the public schools. RCW 28.87.170

Teachers' examinations. Conduct teachers' examinations at the time and place prescribed by law and forward the examination papers to the superintendent of public instruction. RCW 28.70.040 and .060

County Boards of Education

28.20.040 Duties of board. Every county board of education shall:

(1) Advise with and pass upon the recommendation of the county superintendent in the preparation of manuals, courses of study, rules and regulations for the circulating libraries, and to perform such other duties as may be required by him;

(2) Advise with and pass upon the recommendation of the county superintendent as to a choice of textbooks of all school districts not maintaining a four year accredited high school;

(3) Adopt rules and regulations for the schools of the county, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction;

(4) Approve the budget of the county superintendent, and certify to the board of county commissioners and to the state board of education the estimates of the amounts needed for such budget;

(5) Meet regularly according to the schedule adopted at the organization meeting, and in special session upon the call of the chairman, or the secretary, or a majority of the board;

(6) Assist the county superintendent in the selection of personnel and clerical staff as provided in RCW 28.19.020;

(7) Fix the amount of and approve the county superintendent's bond as provided in RCW 36.16.050 and RCW 28.19.010; and

(8) Approve its own reimbursement claims as provided in RCW 28.20.030. (1959 c 216 sec. 10; 1955 c 157 sec. 21; 1909 p 311 sec. 3; 1886 p 11 sec. 25; RRS sec. 4870.)

Sec. 28.20.015 Qualifications--Powers and duties. The joint county board of education must have the same qualifications and shall have the same duties and powers for the consolidation as the qualifications required and the powers and duties of such boards of the individual counties. (1955 c 157 sec. 25.)

Board of Directors, all three kinds

Sec. 28.51.010 Directors may borrow money and issue bonds. The board of directors of any school district may borrow money and issue negotiable coupon bonds therefor for the purpose of:

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) For the purchase of schoolhouse sites buildings or playgrounds authorized by law; or

(3) For erecting buildings authorized by law and providing the necessary furniture, apparatus, or equipment; or

(4) For any or all of these purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed five percent of the assessed valuation of the taxable property in such district......

Sec. 28.58.010 Corporate powers. A school district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell personal property and real estate, and enter into such obligations as are authorized by law. The board of directors of the school district shall have exclusive control of all school buildings and other property, real or personal, owned by the district.

Sec. 28.58.100 Directors--General powers. Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow the order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

State: Washington

PART II - continued (9)

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;.....

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof;

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;.....

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district.
General Powers--
Determination of what constitutes "adequate provision" for the education of pupils is committed by statute to the board of directors of the school district acting under expressed or implied powers and operating in conformity with statutory requirements; neither the county superintendent nor the court is vested with power to control the action of the board in this matter. OAG 11-25-14.

Financial report filed with state auditor. File complete financial report with the state auditor within thirty days after the close of the school fiscal year. 1909 c 76 sec 5; RCW 49.09.230.

Textbook Commission--Appointment of members. (Applicable to all districts operating a four-year high school.) Appoint two members of board of directors and two members of professional staff to serve with the district superintendent as members of commission authorized to select textbooks for use in schools of the district. (County board of education serves as textbook commission for other districts.) (RCW 28.33.010.)

Sec. 28.62.180 Additional powers of board. Every board of directors of a school district of the first class, in addition to the general powers enumerated, may:

(1) Employ for a term of not exceeding three years a city superintendent of schools of the district, and for cause dismiss him; and fix his duties and compensation;

(2) Prescribe a course of study and a program of exercises not inconsistent with the course of study prepared by the state board of education for the use of the common schools of this state;

(3) Make necessary bylaws for more effectively carrying out the requirements of law and for facilitating the work of the board;

(4) Adopt and enforce rules and regulations deemed essential to the well-being of the schools....

(5) Employ, and, for cause, dismiss teachers and janitors; determine the length of time over and above eight months that school is to be maintained.....

(7) Employ a business manager, attorneys, an architect, inspectors of construction, superintendents of buildings and janitors, and a superintendent of supplies and other employees, and prescribe their duties and fix their compensation

(8) Employ, and for cause dismiss, one or more assistant city superintendents and define their duties and fix their compensation;

(9) Employ, and for cause dismiss, supervisors of instruction, and define their duties and fix their compensation;.....

(11) Provide free textbooks and supplies for all children attending school, when so ordered by a vote of the voters; or if the free textbooks are not voted by the voters, provide books for children of indigent parents.....

Boards of Directors, 2d and 3d classes

Sec. 28.63.060 Employment of superintendent. In all districts of the second class the board of directors shall elect, for a term of one or two years as may be deemed best, a superintendent, or a principal, who shall hold a valid teachers' certificate. Such superintendent or principal shall have supervision over the several departments of the school.

In all districts of the third class employing two or more teachers, the board shall designate one of such teachers as principal to have general supervision over the several departments of the school. In any third class district maintaining school in two or more buildings, the directors shall elect a superintendent who may be a teacher in the schools of the district, who shall have general supervision over the schools of the district. The superintendent or principal of any school maintaining two or more departments shall make such reports to the county superintendent as he may require. The school or schools shall be graded in such manner as the directors deem best suited to the conditions of the district.

PART II - continued (11)

Clerk's Duties, 2d and 3d classes

Sec. 28.58.150 Clerk's duties. The duties of the district clerk shall be as follows:

(1) To attend all meetings of the boards of directors.....He shall keep his records in a book to be furnished by the board of directors, and he shall preserve copies of all reports made to the county superintendent, and safely preserve and keep all books and documents belonging to his office, and shall turn the same over to his successor;

(2) To keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district and of the action of the directors, and such record must always be open for public inspection;

(3) To make to the county superintendent on or before the fifteenth day of July, his annual report verified by affidavit upon blanks to be furnished by the superintendent of public instruction. It shall contain such items of information as said superintendent of public instruction shall require.....

(4) To carry out all orders of the board of directors made at any regular or special meeting, and to keep an accurate account of all expenses incurred by him in his district in keeping the schoolhouse in repair, in providing for necessary janitor work, and in providing school supplies, and for other expenses incurred.....

County Treasurer

Sec. 28.48.100 Duties of treasurer. The county treasurer of each county shall be ex officio treasurer of the several school districts of his county,.....

State: Washington

Source of information unless otherwise stated:

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

In a letter of December 12, 1961, from the office of the Superintendent of Public Instruction, State of Washington, the following statement was made by Mr. Chester D. Babcock, Assistant Superintendent, Curriculum and Instruction:

> "As indicated in your letter, legislation dealing specifically with educational television is practically nonexistent. The powers and duties of local boards of school directors granted by section 28.58.100 of the Revised Code of Washington provide a reasonable legal basis for the expenditure of tax funds in the audio-visual area. As you will see by examination of this section of our state law, school directors exercise a broad grant of power, from which can be fairly implied the right to provide television instruction to classroom students.
>
> "Educational television programing presently is carried on in Washington only in the larger districts of the first class, and district directors of this class have additional powers and duties as set forth in RCW 28.62.180, titled 'Additional powers of board.' For your information, copies of these statutes are enclosed."

In the Forty-Fifth Biennial Report of the Superintendent of Public Instruction, for the period July 1, 1958 to June 30, 1960, the only reference to audio-visual materials is found on page 81, in Table III, General Fund Expenditures, State Totals for School Years 1958-59 and 1959-60. Under "Expense of Instruction", several items are shown, including "Audio-Visual Materials". In 1958-59 there were no expenditures. In 1959-60 the sum of $508,930 was spent.

State: Washington

PART III - continued (2)

Appendix C, Procedures, Policies and Regulations of the State Board of Education Governing Administration of the State Assistant Program for Construction of Public School Plant Facilities (Under Provision of Laws of 1959 Extraordinary Section, Chapter 8, RCW 28.47.570 through 28.47.710)

The cost of the facilities, areas and items hereinbelow listed shall be paid from school district funds in excess of funds required for financing construction costs in accordance with the matching formula specified by law. Separate bids, or a cost breakdown by the contractor, are required on all such facilities and items in order that the cost thereof may be determined.....

E. Equipment

1. Classroom equipment of all kinds, including desks, chairs, tables, filing cabinets, visual aid equipment, etc.....

3. Intercommunication and public address equipment except conduit, raceways and wiring.....

7. Stage equipment (valances, proscenium drapes, picture screens, projection curtains, riggings and hardware, border lights, dimmers, cyclorama settings, elevators, lifts)

An allowance for equipment as set forth in Section VI of this appendix is provided districts which qualify under the emergency state assistance program for an allocation of state funds in excess of the computed percentage under the statutory formula.....

Section VI - Emergency State Aid Program

.....B - Facilities, Areas and Items to be Financed Entirely with School District Funds.

Facilities, areas and items that must be financed entirely with school district funds under the regulations governing the regular state assistance program, as set forth in Section V of the appendix, are to be financed by the school district under the emergency state assistance program with the following exceptions: (a) an allowance is made for equipment,.....

.....D - Regulations Governing Determination of Amount of State Allotment.....

2. Allowance for equipment and furnishings.

a. The amount of state funds allowable for the purchase of equipment and furnishings specified for state matching shall not exceed four per cent of the cost of additional elementary school facilities required to house an increase in school enrollment; and six per cent and eight per cent, respectively, of the cost of additional junior high school and/or high school facilities to house an increase in enrollment.....

State: Washington

PART III - continued (3)

NOTE: Other general regulations concerning special adjustment of statutory formula to various exceptions.

Appendix E

Policies and Regulations of the State Board of Education Respecting Apportionment or Allotment of State Funds for Financing Public Education

.....The following standards have been established by the State Board of Education in conformity with the provisions of RCW 28.41.010 and .070 which (a) define "special service unit" as a full-time certificated employer of a school district performing educational or related services in accordance with standards established by the State Board, and (b) provide for crediting a school district with an additional three thousand days of attendance for apportionment purposes for each such unit maintained.

B. Special service unit fields and typical duties of personnel in each field:.....

3. Library, Audiovisual, Educational Television Service. Organizing, managing and supervising service to students and faculty members either in library, audiovisual or educational television media, this service to include in-service training activities designed to promote better instructional methods, the use of new media and techniques. A combination of these services may be counted where circumstances and school enrollment necessitate such combinations. (Supervision of study hall or similar service by personnel shall not be counted.)

The County Superintendent must give his approval in writing for the purchase of maps, charts and other apparatus by boards of directors of third-class school districts. RCW 28.63.040.

State: Washington

Source of information unless otherwise stated: Education Manual Containing the Laws Relating to Public Education, compiled by Elmer Breckner, 1960; following Revised Code of Washington

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or
No

Yes 2. Planning the use of AV aids

Appendix E, B-3. (See Part III).

Yes 3. Preparing curricula

43.63.140(6), 28.05.010, 28.19.060(4), (5), 28.02.080, 28.62.180(2), 28.67.060

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

Appendix E, B-3. (See Part III).

Yes 5. Organizing AV units and cooperative activities

Same as catogory 4.

No 6. Conferring on AV use outside of State educational structure

State: Washington

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

28.63.040 (See Part III).

Yes 8. Selecting textbooks (and observing academic freedom)

28.19.060(25), 28.23.010, 28.23.020, 28.58.100(7), (8), 28.33.010, 28.62.180 (11)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

28.58.100 (14), 28.63.040

Yes 10. Financing acquisition by rent or purchase

28.19.110, 28.51.010

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

Same as category 4.

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

43.11.030(12), 43.63.140(4), (7), 28.19.060(15), 28.70.040, 28.70.060, 28.70.010

Yes 15. Prescribing qualifications of using personnel

Same as category 4.

State: Washington

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

43.63.140(5)

Yes 17. Building or remodeling schools to facilitate AV use

28.19.060(20), 2858.100(3), 28.58.300

Yes 18. Federal aid to schools

28.41.030, 36.33.110, 28.47.020, 28.47.120, 28.47.121

Yes 19. State aid to schools

28.19.060(14), 28.19.120, 28.40.010, 28.41.020, 28.48.010,
28.48.030, 28.41.060, 28.41.080, 28.41.090, 28.47.010,
28.47.010, 28.47. 060, 28.48. 100(1)

No 20. Private aid to schools

Yes 21. Library programs

27.16.050, 28.20.040(2)

No 22. Research programs

Yes 23. Institutes

43.11.030,(8), 28.19.060(16), (17), 28.71.010, 28.71.030,
28.71.040, 28.71.050, 28.71.080

No 24. Other established procedures

State: Washington

Source of information unless otherwise stated: Educational Manual Containing the Laws Relating to Education, compiled by Elmer Breckner, 1960: Following the Revised Code of Washington

PART IV (Cont.)

Topic 3:

Sections 43.63.140(6), 28.19.060(4) and(5), 28.62.180(2) have been quoted in Part II. The effect of those provisions is to place the primary power over courses of study in the hands of the State Board of Education. Section 28.02.080, referred to in paragraph 455, emphasizes this by directing all directors of school districts to enforce the requirements of compulsory English and other compulsory courses. Teachers are covered by section 28.67.060. The common school curriculum can be found in section 28.05.010.

Topic 8:

Sections 28.19.060(25), 28.58.100(7) and (8), 28.62.180(11) have been included in the discussion of general powers and duties in Part II. Chapter 28.23 is concerned with Textbook Commissions. The textbook commission of each school district, which maintains a four year accredited high school, is to consist of five persons, including the city superintendent, if there is one. This is the import of section 28.23.010. The textbook commission is authorized by section 28.23.020 to select the books to cover all the required subjects and those supplementary books it deems necessary. Section 28.33.010, referred to in paragraph 455, directs the directors of all school districts to appoint two members of the board and two of the professional staff to serve on the textbook commission, WITH the district superintendent.

Topic 9:

Section 28.58.100(14), as has already been noted in Part II, refers only to joint purchases. Only second and third class districts are covered by section 28.62.040. Nevertheless, the latter section requires the approval of county superintendents for third class district purchases.

Topic 10:

Section 28.19.110 is concerned with the County funds which are budgeted to the County Superintendent. Section 28.51.010 authorizes the board of directors of any school district to borrow money and issue bonds for, inter alia, erecting buildings and providing the necessary furniture, apparatus or equipment.

State: Washington

PART IV (Cont.)

Topic 14:

Sections 43.11.030(12), 43.62.140(4) and (7), 28.19.060(15) have all been quoted in Part II. The effect of those sections is to place the power over certification in the State Board of Education. Although the examinations are conducted on the County level, as stated in section 28.70.040, the County Superintendent is directed by section 28.70.060 to send the papers to the State Superintendent. Section 28.70.010 lists a number of minimum requirements for eligibility to certification.

Topic 16:

As has been noted in Part II, section 43.63.140(5) empowers the State Board of Education to examine and acredit secondary schools.

Topic 17:

Sections 28.19.060(20) and 28.58.100(3) have been quoted in Part II. The former section directs a board of directors in a third class district to obtain the approval of the County Superintendent prior to entering into a contract for erection of a school building. The latter merely authorizes all district directors to rent, repair, and furnish schoolhouses. Section 28.58.300 repeats what has already been stated in section 28.19.060(20).

Topic 18:

Section 28.41.030 is concerned with the distribution of forest reserve funds. This money is first received by the State Treasurer, who then distributes this to the county treasurers. This section also authorizes the County Commissioners to spend the money for the benefit of the public schools. Section 36.33.110 permits the crediting of the federal forest reserve fund to the general fund or the district building fund. The Superintendent of Public Instruction is empowered by section 28.47.020 to represent the State in the receipt and administration of federal funds provided for education. Section 28.47.120 provides that funds made available to assist the school districts from the federal government shall be made available in such districts in conformity with the rules and regulations established by the State Board of Education.

State: Washington

PART IV (Cont.)

Topic 19:

Section 28.19.060(14) merely states that the County Superintendent shall apportion school funds. The State Board examines the budget of the County Superintendent pursuant to section 28.19.120. Once this has been done, the Board certifies to the State Superintendent the amount of State funds needed by the County Superintendent. Section 28.40.010 describes the source of the Permanent Common School Fund, to wit, appropriations, donations, land proceeds, treasury funds, and others. It is the interest accruing thereon together with other sources allotted that are deposited in the Current State School Fund. This language is found in section 28.48.020. It is the Superintendent of Public Instruction who apportions from this fund to the Counties pursuant to section 28.48.010. Then according to section 28.48.030, the County Superintendent distributes this to the districts. The basis upon which the Superintendent of Public Instruction computes the amounts due and apportionable are given in section 28.41.060. The County Superintendent is responsible for determining the amount needed by the different districts for equalization payments to meet ordinary standards, as provided in section 28.41.080. As for minimum standards, section 28.41.090 authorizes the State Board to establish the equalization payments necessary.
The State School Equalization Fund is created by section 28.47.010. The State Board is dutybound to make grants on the basis of need for school facilities, when the assistance applied for exceeds the funds available. This is found in section 28.47.060.
The County Treasurer is authorized by section 28.48.100(1) to receive and hold all moneys belonging to school districts and pay them out on warrants.

Topic 21:

Libraries are referred to in a very indirect manner, as can be seen by reading sections 27.16.050 in paragraph 23 and 28.20;040(20. Both of these have been referred to in Part II.

Topic 23:

Section 43.11.030(8), previously noted in Part II, instructs the State Superintendent to hold an annual convention of County Superintendents. In paragraph 97 the County Superintendent is directed to conduct a teachers' institute for at least three days every year. This language is repeated in both sections 28.19.060(16) and 28.71.010. The City Superintendents are also permitted to hold institutes, according to section 28.71.030. Any teacher may attend any institute, so long as they have a valid certificate and are employed in the county. This is the import of section 28.71.040. The time for holding an institute is left to the County Superintendent by section 28.71.050.

WEST VIRGINIA (1959-60)

Enrollment in full-time public schools:

Elementary	351,591
High School	108,838
Number of school districts (including non-operating)	55
Number of elementary schools	2,471
Number of high schools (including junior high)	372
Expenditure per pupil in average daily attendance	$258

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-60 (OE-20006-60, pp. 6-7, 9, 11.

WEST VIRGINIA

County Superintendencies

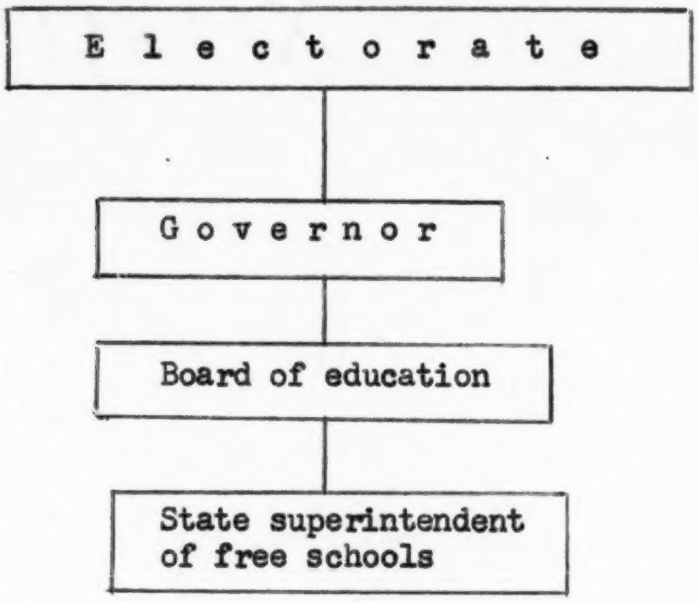
The State has a complete county-unit school system composed of 55 county-unit superintendencies. All public schools in cities and towns are administered by the superintendent of schools of the county in which they are located.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 197.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 153-155.
As amended by Article XII of the the State Constitution.

WEST VIRGINIA

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools....

   State Board of Education.--Consists of nine members appointed by the governor, by and with the advice and consent of the Senate, for overlapping terms of nine years. No more than five members of the board shall belong to the same political party, and in addition to the general qualifications otherwise required by the constitution, the legislature may require other specific qualifications for membership on the board. No member of the board may be removed from office by the governor except for official misconduct, incompetence, neglect of duty, or gross immorality, and then only in the manner prescribed by law for the removal by the governor of state elective officers.

   b. Board of the School Fund.--Consists of 4 ex officio members--the governor, the State superintendent of free schools, the auditor, and the treasurer. This board is responsible for the management, control, and investment of the existing permanent school fund.(administrative)

   State Board of School Finance.--Consists of 3 ex officio members--the State superintendent of free schools, the State tax commissioner, and the director of the budget. The board advises and assists county boards of education in financial matters, prescribes a uniform system of county school budgeting for use in all county schools, and approves county school budgets before final adoption by county boards of education.

3. Chief State School Officer

The State superintendent of free schools is selected by the State board of education. He shall serve at the board's will and pleasure and shall have powers and shall perform such duties as may be prescribed by law.

7. Coordination of the State Education System Through Structure

The State superintendent of free schools and the State board of education are jointly responsible for the public program of elementary and secondary education.....

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of free schools is an ex officio member of the State board of education and the board of the school fund.

The governor, the auditor, and the treasurer are ex officio members of the board of the school fund.

The State superintendent of free schools as chairman, the State tax commissioner, and the director of the budget are ex officio members of the State board of school finance.

The State superintendent of free schools shall be a member of the board of public works.

9. Fiscal Coordination

Three State educational agencies transmit budgets to the State budget director who acts in a staff capacity to the board of public works:......... Superintendent of free schools.

The board of public works is composed of the governor, the secretary of State, the State superintendent of schools, the auditor, the treasurer, the attorney general, and the secretary of agriculture. The director of the budget analyzes the budgetary requests for the board and is present at the budget hearings held by the board. The board has authority to reduce the total amount of the budget or to eliminate, increase, or decrease specific items; and it is responsible for the preparation of the executive State budget which is submitted to the legislature with the governor's budget message.

State: West Virginia

Source of information unless otherwise stated: School Laws of West Virginia, reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 1770 - Buildings and equipment; medical and dental clinics.

The board (county) shall provide: .....(2) the necessary furniture, fixtures, apparatus, fuel, and all necessary supplies for the schools;.....

The compiler has this note on case law following Sec. 1770:

Section Permits School Board to Provide Maps.--

The board of education may, under the head of 'appliances', provide for the school houses maps and charts; but it must be made to appear that they are not mere school books in some other form or under some other name, but something of which a few will answer the needs of all, suitable to the school and reasonably necessary to enable the teacher to impart instruction to the pupil more efficiently in such branches as are required to be taught. Honaker v. Board, 42 W. Va. 170, 175, 24 S.E. 544, 57 Am. Rep. 847, 32 L.R.A. 413, 45 L.R.A. (NS) 972N, 7 A.L.R. 792N, 796N, 17 A.L.R. 299N.

The word ' appliance' formerly appeared in this section where the word ' apparatus' now appears--a fortiori the holding would now be the same ...Ed. Note.

State: West Virginia

Source of information unless otherwise stated: School Laws of West Virginia, reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

Yes 2. Planning the use of AV aids

(b) Secs. 1730, 1745, 1748, 1740, 1761

Yes 3. Preparing curricula

(a) Secs. 1732(7), 1734(9)

Yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

(b) Secs. 1745, 1761

Yes 5. Organizing AV units and cooperative activities

(b) Secs. 1730, 1760

Yes 6. Conferring on AV use outside of State educational structure

(b) Sec. 1730

State: West Virginia

PART IV (continued)

Yes or No

Yes 7. Selecting AV aids (and observing academic freedom)

(b) 1782(3), 1770, 1761, 1818

Yes 8. Selecting textbooks (and observing academic freedom)

(a) Secs. 1740(7), 1740(10), 1740(4)

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

(a) Secs. 1782(4), 1782(3), 1770

Yes 10. Financing acquisition by rent or purchase

(a) Secs. 1862(18), 1862(19, 1862(21), 1862(25), 1856 through 1862, 1857(1), 755,

Yes 11. Regulating use of AV aids and keeping statistics on use and using personnel

(b) Secs. 1740, 1748, 1813, 1774
1730, 1762

Yes 12. Distributing AV aids

(b) Secs. 1782(3), 1782(4), 1770
1782(5)

No 13. Producing AV aids

No reference.

Yes 14. Certificating teachers and AV professionals

(a) Secs. 1819, 1827,
(b) Secs. 1844, 1731, 1799

Yes 15. Prescribing qualifications of using personnel

(a) Sec. 1793

State: West Virginia

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

(a) Sec. 1731

Yes 17. Building or remodeling schools to facilitate AV use

Secs. 1770, 1771, 1862(37) through 1862(41), 1862(29)

Yes 18. Federal aid to schools

(a) Secs. 1870, 1871, 1872, 1872(1), 1872(2)

Yes 19. State aid to schools

Secs. 1861, 1861(1), 1862(1) to 1862(15)

Yes 20. Private aid to schools

(a) Sec. 1766, 1740(1),
635, 640

Yes 21. Library programs

(a) Secs. 1781, 1872(1), 1872(2), 1747
627 through 641

Yes 22. Research programs

(b) 1730, 1745

Yes 23. Institutes

Secs. 1760(4), 1844

Yes 24. Other established procedures

Sec. 1745

State: West Virginia

PART IV - continued (4)

Topic 2 - Planning the use of AV aids

Several general provisions may be cited as inclusive of a planning function which could cover the use of audio-visual aids.

Sec. 1730 gives to the State Board of Education authority to determine the educational policies of the State and to make rules and regulations to carry into effect the laws and policies of the State relating to education.

Sec. 1745 gives the State Superintendent of Schools authority to call conferences of local superintendents for the purpose of considering matter relating to the needs of the schools and means of improving them.

Secs. 1740 and 1748 provides that the State Board and State Superintendent shall make reports containing recommendations for needed legislation.

Sec. 1761 directs the county superintendent to visit schools to observe their operation and to make suggestions concerning their management......

In each of the above cited sections some specific body or individual exercises a planning function which could include planning to introduce, in some form, audio-visual teaching aids or to recommend legislation providing for the use of audio-visual aids in the schools of the State.

Topic 3 - Preparing curricula

Sec. 1732 (7) provides that the State Board shall prescribe minimum standards in the courses of study to be offered in elementary schools, high schools.....and in all other kinds, grades and classes of schools, or departments thereof, which may now or hereafter be maintained in the State, in whole or in part, from any State fund or funds.....

Sec. 1734(9) sets forth the required courses of study and states, "The State Board shall, with the advice of the State Superintendent, prescribe the courses of study covering these subjects for the public elementary and grammar schools, public high schools, and State normal schools.

Topic 4 - Advising subordinate units

Generally, Sec.1745 gives the State Superintendent authority to call conferences. These conferences might well cover advice on use of AV aids. Also, Sec. 1761 requiring the county superintendent to visit schools and make suggestions is particularly relevent to advice giving on use of AV aids.

As to publishing of lists of materials available see pertinent sections under Topic 21 mentioning lists of books and circulars of information distributed by the State Superintendent and the West Virginia Library Commission.

PART IV - continued (5)

Topic 5 - Organizing AV units

The general provisions relating to organization of the State educational system would seem to provide the necessary authority for organizing AV units. The State Board, in its authority to make rules covering the general powers and duties of the county board, and of teachers, principals, supervisors and superintendents, Sec. 1730, would appear to have general authority to organize AV units to aid the educational structure.

On a local level, the county superintendent, in exercising the authority required by the State or county board, would possibly be the proper agent to actually carry out rules and regulations implementing organization of AV units, Sec. 1760.

Topic 6 - Conferring on AV use outside of State educational structure

No specific references. Reliance would have to be had on the general powers and duties of the State Board, Sec. 1730.

Topic 7 - Selecting AV aids

There are no specific references dealing with selecting AV aids. Some general authority might be found in the sections cited in Topic 9.

Sec. 1782(3) gives the county board authority to use the funds remaining in the Free Textbook Account to purchase approved library books and other supplementary materials. Such "supplementary materials" could include audio-visual materials and any authority to purchase would necessarily imply authority to select.

Sec. 1770 giving the county board authority to purchase "apparatus and necessary supplies" might be cited as authority, by implication, to select such AV apparatus or supplies.

Two other sections may be pertinent. Sec. 1761, authorizing the county superintendent to make suggestions to local school officers, could be used to aid the schools in selecting the proper audio-visual equipment. Sec. 1818 enabling teachers to perform such duties as prescribed by law may be useful where selection of AV aids is not done on a State-wide basis but is left to the principal or teacher in individual schools.

Topic 8 - Selecting textbooks

Art. 2A, Section 1740(4) sets forth procedures for the selection of textbooks (after receiving samples and bids from publishers) by the State board. The board then publishes a list of at least five books or series of books in each subject and grade in the elementary subjects required to be taught. County boards are to adopt textbooks from the State multiple list, upon the recommendation of the county superintendent, and such list of books adopted by the county board is to be sent to the State board (Section 1740(7). Section 1740(10) states that no textbook shall be used in any public elementary school in West Virginia as a basal textbook unless it has been approved and listed on the State multiple list of textbooks by the State board of education. However, it is further stated, "Nothing in this section shall apply to the supplementary books that are needed from time to time.

PART IV - continued (6)

Topic 9 - Acquiring AV aids

Sec. 1770 directs the county board to provide .....(2) the necessary furniture, fixtures, apparatus, fuel and all necessary supplies for the schools..... This section has been interpreted to permit the board to provide for maps (see Part III).

Sec. 1782 sets up a free textbook account consisting of moneys allocated to the several counties for the purchase of textbooks to be supplied to the students, Sec. 1783. After complying with the section prescribing free distribution of textbooks for the pupils whose parents are unable to provide the same, any funds remaining in said account shall be used for the purchase of approved library books and other supplementary materials for grades one to eight, such purchase first having had the approval of the State Board.

Topic 10 - Financing acquisition

Section 1862(18) creates a "State Board of School Finance" consisting of the State superintendent of free schools, as chairman, the State tax commissioner, and the director of the budget as secretary. In Section 1862(19), the board of finance is directed to "advise and assist county boards of education and county superintendents in the planning and management of school finances "to the end that the most effective program of public education be realized from the funds available for expenditure by the several counties." The board of finance is not to substitute its discretion and judgment for that of a county board of education with respect to the desirability or reasonability of a lawful school expenditure. Section 1862(21) requires the county board of education to submit its proposed budget to the board of finance, together with required supporting schedules, such budget to contain, among other items, itemization schedules for estimating anticipated requirements for expenditure during the fiscal year. The county board shall not finally adopt its budget until after the written approval of the State board of finance has been received and the levy estimate approved by the tax commissioner as required by law. The county boards apparently must adhere strictly to their approved budgets. "County boards of education shall: (1) Authorize the expenditure of funds and incur obligations only in accordance with the budget and the expenditure schedule; (2) make transfers between items of appropriation only with the prior written approval of the board of finance." (Sec. 1862(25).)

Article 9, Sections 1856 through 1862, deals in general with school finances, sets forth means of implementing special elections for levying taxes "for school purposes."

Section 1857(1) has a provision for special levies within a political subdivision of a county, as follows: ".....if a majority of the voters of any political subdivision of the county shall file with the board of education of the county of which such political subdivision is a part.....a petition praying for increased salaries, funds for the support and maintenance of libraries, medical and dental clinics, supervision and/or an extension of the school term.....

the board.....shall lay levies sufficiently high on each one hundred dollars' valuation of taxable property within such political subdivision according to the last assessment thereof for such purpose or purposes as specified in the petition, which levies shall be separated and designated as a special maintenance fund levy and a special teachers' fund levy of the political unit for which such levies are laid." Further, it is provided in this section: "Upon a petition of one hundred taxpayers of any political subdivision of a county to the board of education of the county of which such political subdivision is a part, the board of education shall call an election within said political subdivision for the purpose of authorizing the county board of education to lay special increased rates of levy on the property of said political subdivision, as provided by law, for educational purposes as may be set forth in the petition and in the call for the election." (Although the Compiler's comment indicates that Sale v. Board of Education, 119 W. Va. 193, 192 S.E. 173, 176 held that Section 755 superseded this section where there might be a conflict. Section 755 defines the taxing units in which a vote to increase levies under the Constitution may be had.)

[Comment: The above is undoubtedly stated in too great detail, but it may serve to indicate the extent to which the electorate may participate in and even initiate programs in the schools not specifically provided for in the budget. Audio-visual aid materials could conceivably be the subject of a taxpayers' petition.]

Section 1861 sets up a separate school fund, "the general school fund" "for the support of the free schools of the State" and states what income, tax proceeds, etc., shall go into such fund. Section 1861(1) states the purposes for which the General School Fund shall be used, including "any other appropriation made by the legislature out of the fund."

Section 1862(1) states the specific purposes of the legislature in providing for the distribution of state aid for free schools among the several counties. One of the stated purposes is: "To give to each county every possible incentive to the constructive development of its school system, and to place with the county boards of education the responsibility for the preservation and improvement of the standards of local education."

(Sections relating to methods of computing local share deemed not pertinent.)

[Comment: Possible conclusion to be drawn with respect to financing and budgeting for supplies and equipment in this state is that great emphasis is placed on discretion and judgment of county boards.]

Topic 11 - Regulating use

The general power given the State Board under Sec. 1730 to prescribe rules and regulations for enforcing State educational laws and policies places in the hands of the State Board the overall control over the State School System and hence the use of any media of instruction. Sec. 1762 places the local control over schools, and thus media of instruction, in the hands of the county board. (Also see Sec. 1774.)

PART IV - continued (8)

Sec. 1740 relating to reports of the State Board, and Sec. 1748 relating to reports of the county boards, would provide authority for keeping statistics on the use of AV aids and the personnel using them.

Sec. 1813 requires every teacher, principal, supervisor, or other person employed by a district board of education to keep any records or reports required by the State Superintendent. Teachers are also required to keep any other records and reports as required by the specific board of education employing them.

Topic 12 - Distributing AV aids

Citations under Topic 9 (above) relating to the acquisition of AV aids and similar equipment would seem to apply here. Specifically Sec. 1770 providing for acquiring of 'apparatus' as defined in Part III and supplies provides adequate authority for distributing such materials and equipment as well.

The sections dealing with textbooks, 1782(3), 1782(4), and 1782(5) provide relevant authority for distributing power. Specifically applicable is Sec. 1782(5) which provides that the State Board shall have authority to prescribe rules and regulations governing the care, distribution and use of free textbooks.....(However, this power may be limited to textbooks used in the "free textbook system" and thus not be applicable distributing equipment and supplies, i.e., audio-visual equipment.)

Topic 13 - Producing AV aids

There are no specific references to any programs for producing audio-visual aids, movies, television programs for schools, etc. If there are any such programs in any of the State colleges, information of that sort might be obtained directly, but is not found in the code.

Topic 14 - Certificating teachers

Sec. 1819 sets forth the general qualifications and requirements, i.e., a valid teaching certificate, good moral character - for teachers.

Sec. 1827 empowers the State Superintendent to issue certificates.

Sec. 1844 provides that the county board may approve the attendance of any or all teachers at educational conventions, conferences, or other professional meetings of teachers.....

Sec. 1731 provides that the training of teachers in the State shall be under the general direction and control of the State Board of Education.

Sec. 1799 - Whenever it is advisable to provide for the better training of the teachers in elementary schools in the various counties or districts, such county high school board, district board of education or indepencent district board, thereof, shall have the authority to establish and maintain a normal training department in connection with any high school under its control, to provide necessary rooms, furniture, equipment and supplies, and to employ teachers therefor. The State Board shall have the duty of prescribing a course of study for such normal training departments.

PART IV - continued (9)

Topic 15 - Prescribing qualifications

Sec. 1793 provides that the county board, upon the recommendation of the county superintendent, shall have authority to employ such general and special supervisors or directors of instruction and of such other educational activities as may be deemed necessary. Rules and regulations for qualifications of such personnel are to be fixed by the State Board.

(This section is cited in connection with Topic 14 as possible authority for employing and qualifying personnel connected with using audio-visual equipment other than the regular teaching staff.

Topic 16 - Accrediting schools

Sec. 1731 gives to the State Board the authority to make rules and regulations for the classification and standardization of all schools in the State, except West Virginia University, and to determine the minimum standards for the conferring of degrees and the granting of diplomas.

Topic 17 - Building and remodeling schools

Sec. 1770 provides that the county board shall provide (4) for the repair and good order of the school grounds, buildings and equipment.

Sec. 1771 provides that the State Board may require all plans and specifications for the erection of school buildings to comply with the requirements of law. They may require all county boards to submit all plans and specifications for their approval.

Secs. 1862(37) to 1862(41) provide for State aid for repair and construction of public school buildings. These funds are specially appropriated by the State Legislature and are allocated to the various county boards. Eligibility for participation in the fund is dependent on the county levying a tax for current expense and improvement, etc.

Sec. 1862(29) provides that the county board may establish a special fund for county school purposes to be known as the permanent improvement fund. The fund shall consist of levies, unexpended balances of other funds and other funds authorized by law. The proceeds of the fund shall be used only for the support of buildings and permanent improvement projects.

Topic 18 - Federal aid

Sec. 1870 provides that the State Superintendent is empowered to accept funds made available out of the federal treasury for current expense, capital outlay, free textbooks, or any other educational purpose in local public school units, or for any educational purpose.

The allocations of such funds received are subject to the provisions and conditions of applicable federal law setting aside 71% for teachers' salaries, and 29% for distribution to the several counties.

Sec. 1871 authorizes the State Board of Education and the State Board of Control to carry out the provisions of Congress making appropriations to the state for educational purposes. The State Treasurer is made the custodian of any such moneys, Sec. 1872.

Sec. 1872(1) and 1872(2) authorizes the West Virginia library commission to accept federal appropriations for rural library service, and for similar library purposes and designate the State Treasurer the custodian of such library moneys, whether from federal or other sources.

Topic 19 - State aid

Sec. 1861 establishes a separate school fund called the general school fund to be set apart for the support of the free schools of the State. This section enumerates to sources from which the revenue for the fund is appropriated. Sec. 1861(1) requires that the proceeds of this fund shall be used in part to pay State aid to county school districts.

Secs. 1862(1) to 1862(15) provide for the allocation of this State aid for the schools. Sec. 1862(3) provides that the State Board of School Finance shall compute the share of the State Fund that is to be made by the several counties.

Sec. 1862(4) states that the total State foundation school program for any year shall be the appropriation for State aid to schools available for distribution during that year, plus the total local share for all counties in the State.....Out of this foundation program allowances are made, one being the general improvement of educational services and facilities in the county....., Sec. 1862(10).

Sec. 1862(11) states that the total foundation program for each county for the next fiscal year shall be the sum of the amounts allowed the county out of the State foundation program, minus the required local share, Sec. 1862(3).

Sec. 1862(12) provides for temporary supplemental State aid. It is to be allocated by the State Board of School Finance after the regular fund has been distributed to any county showing a loss in State aid on a comparison basis.

Sec. 1863(13) provides that each county board shall file a request with the State Board of School Finance for payments of State aid to which it is entitled in each fiscal year. The State Board of School Finance may approve, disapprove or modify the schedule of payments so long as its action does not unreasonably curtail the educational program of any county.

Other relevant sections dealing with State aid are discussed in Topics 10, "Financing acquisition of AV aids," Topic 17, "Building or remodeling schools," and Topic 21, "Library programs."

Topic 20 - Private aid

Sec. 1766 gives to county boards the power to receive, hold and dispose of any gift, grant or bequest, according to law and the intent of the instrument conferring title.

It appears that unconditional gifts or donations to the State Board of Education, by Sec. 1740(1), specifically be set aside for use in the establishment and operation of a State camp and conference center, so that only the county boards may use private aid to schools at their discretion.

Sec. 635 provides that the board of library directors of each public library may receive bequests or donations of cash or other personal property or real estate for the benefit of such library.....

Sec. 640 authorizes the West Virginia library to receive gifts of money, books or other property.....

Topic 21 - Library programs

Sec. 1781 provides that the county board may provide libraries for its schools and may purchase books, bookcases, and other things necessary therefor, and shall pay the cost of such libraries out of school funds of the county.

Sec. 1782(1) authorizes the West Virginia Library Commission to accept any appropriations for rural library service and for similar library purposes made out of the federal treasury (see Topic 18).

Sec. 1747 requires the State Superintendent to have prepared and published a list of books suitable for school libraries and to distribute such list among the teachers, principals and superintendents throughout the State.

Sec. 627 through 641 deal in general with public libraries in West Virginia. The local governing authority, Sec. 627, shall have the power to establish, equip and maintain a public library, to finance the same by appropriation from the general funds or by imposition of an excess levy, Sec. 628.

Any school board may contract for school library service from an existing public library which shall agree to furnish books to a school or schools under the terms of the contract, Sec. 630.

Sec. 631 places the governing authority of the local library in the hands of a board of directors which compose a separate corporation.

Sec. 638 sets up the West Virginia Library Commission which has the general over-all control of the West Virginia public library system.

State: West Virginia

PART IV - continued (12)

Topic 22 - Research programs

No specific provisions. Authority could be found in the general provisions relating to powers and duties of the State Board, Sec. 1730, giving that body power to determine the educational policies of the State.

Other possible authority might be found in the section referred to in Topic 2, particularly Sec. 1745, giving the State Superintendent authority to call conferences of local superintendents for the purpose of considering matters relating to the needs of the schools and means of improving them.

Topic 23 - Institutes

Sec. 1760(4) provides that the county superintendent shall organize and attend district institutes.....

Sec. 1844 - A county board of education may approve the attendance of any or all teachers at educational conventions, conferences, or other professional meetings of teachers on school days when in the judgment of the superintendent it is necessary or desirable.

Topic 24 - Other established procedures

Sec. 1745 - Conferences of School Superintendents - The State superintendent of schools shall have the authority to call conferences of the county, district, and city superintendents of schools of the State, or of any group or groups of such superintendents, for the purpose of considering with them any matters relating to the conditions and needs of the schools and the proper means of improving the schools.....

WEST VIRGINIA

SUMMARY

No specific references to Audio-Visual Aids, as such, were found in the West Virginia school laws. Sufficient general authority is evident, however, to cover all topics listed in the Preliminary Report. Where sections of the Code seemed to fit in with the numbered topics, these sections were cited specifically. ~~These specific sections cited would also seem to provide authority for categories 2, 4, 6, 12, 13, and 20.~~ It appears that a great deal of discretion on a planning and organizing level is left to the county boards of education. It should be noted that in West Virginia there are two general classifications, the state board and county boards. "District" means county school district and "district board" and "county board" seem to be terms used interchangeably.

Revised.

Comments are also included /In brackets/ at the end of some topics. All underscoring for emphasis is added.

There is a cross reference listed in the Revisers' Note: "For comprehensive treatment of schools, see 16 M.J., Schools."

mbs

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws ofWest Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

Organiztion of West Virginia school system

State Board of Education (Section 1726)

It shall be a corporation and as such may contract, sue and be sued. It shall consist of ten members, of whom one shall be the state superintendent of schools, ex officio, who shall not be entitled to vote. The other nine members shall be appointed by the governor.

General powers and duties of state board (Section 1730)

"Subject to and in conformity with the constitution and laws of this State, the state board of education shall determine the educational policies of the State, ... and shall make rules for carrying into effect the laws and policies ofthe State relating to education ." The state board shall also make rules covering the general powers and duties of county boards of education, and of teachers, principals, supervisors and superintendents.

Section 1740 requires the state board, through the state superintendent to make to the governor ad the legislature reports concerning the public schools and the educational institutions under its control and management, together with its recommendations in respect toneeded legislation.

State Superintendent of Schools

To be elected by the qualified voters of the State (Section 1741).

Shall have the general supervision of all county and city superintendents and county and district boards of education (Section 1743).

Shall have the authority to call conferences of the county, district, and city superintendents ofschools of the State, or any group or groups of such superintendents, for the purpose of considering with them any matters relating to the conditions and needs of the schools and the proper means of improving the schools throughout the State, or any section thereof (Section 1745).

Shall make reports to the governor to be transmitted to the legislature, containing summaries of the annual reports of the county superintendents and such other information about the conditionsof the public school system of the State as the superintendent may deem it wise to communicate to the governor and the legislature. The report shall also contain information previously requested by the governor or legislature and recommendations of the state superintendent respecting needed legislation on behalf of the schools (Section 1748).

County Superintendent of Schools

Shall be elected by the board.(Section 1751).

Duties: /Among others/ Shall act as chief executive officer of the board and execute under the direction of the state board all its educational policies;

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

Organization of West Virginia school system (Cont'd.)

nominate all teachers, principals, and assistant superintendents to be employed; organize and attend district institutes; certify all expenditures; exercise all other authority required by the state board or county board (Section 1760). In addition, the county superintendent shall visit the schools as often as practical and observe ad make suggestions concerning the instruction and class room management of the schools and call conferences of principalsand teachers to discuss the work of the schools of the district (Section 1761).

District board of education

(Section 1722 on Definitions indicates that "District" shall mean county school district and includes any independent school district heretofore established by special act or acts of the legislature).

Section 1762: "Each county school district shall be under the supervision and control of a county board of education which shall be composed of five members nominated and elected by the voters of the respective county.

The county board of education shall be a corporation with power to contract and sue and be sued.(Section 1766).

Section 1770 /referred to under Topic 9. "Acquiring AV aids."/ on the subject of "Buildings and Equipment" provides that the county board shall provide the "necessary furniture, fixtures, apparatus, fuel and all necessary supplies for the schools."

Under Section 1774, the county board, subject to the rules and regulations of the state board, hasauthority : "To control and manage all of the schools and school interests ofthe county, including the authority to require that records be kept of all receipts and disbursements of all funds collected or received by any principal, teacher, student or other person in connection with any program, activity or other endeavor of any nature operated or carried on by or in the name of the school, or any organization or body directly connected with the school, and the authority to audit such records."

WEST VIRGINIA

Constitutional Provisions

Article XII, Section 1,oftheConstitution of West Virginia states, "The Legislature shall provide, by general law, for a thorough and efficient system of free schools," the State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law (Section 2). The Legislature shall provide for the support of free schools (by various funds and taxes) (Section 5) and shall also provide for raising in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of free schools therein as shall be prescribed by general laws (Section 5).

The Legislature is directed by the Constitutionxat to "foster and encourage moral, intellectual, scientific and agricultural improvement" in the educational system (Section 12).

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

1. Audio-visual aid legislation and regulations

There are no specific provisions in the West Virginia school laws relating to audio-visual aid nor regulations specifically referring to audio-visual aid.

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

2. Planning the use of AV aids

There is no specific authority related to the function of planning the use of audio-visual aids. However, several general provisions may be cited as inclusive of a planning function which could cover the use of audio-visual teaching aids.

Section 1730 gives the state board of education authority to ~~make~~ "determine the educational policies of the State" and to make rules for carrying into effect the laws and policies of the ~~S~~State relating to certain specific categories and "such other matters pertaining to the public schools ofthe State as ~~x~~ may seem to the state board to be necessary and expedient."

Section 1745 gives the state superintendent of schools authority to call conferences of local superintendents for the purpose of considering matters relating to the needs of the schools and means of improving them. ~~Reports~~

Reports of the state superintendent shall contain recommendations for needed legislation (Section 1748). The board as a whole also recommends legislation (Section 1740).

The county superintendent is instructed to visit schools to observe their operation first-hand and to make suggestions concerning their management, as well as to call conferences of principals and teachers for the same purpose (Section 1761).

[In each of the above-cited sections some specific ~~authority~~ body ~~is given~~ or individual exercises a planning function which could include planning to introduce, in some form, audio-visual teaching aids or to recommend legislation providing for the use of audio-visual aids in the schools of the state. It would appear that if funds are available, additional legislation would not be needed to authorize state or local school officials to ~~x~~ use part of such funds when planning a school program for the year for audio-visual aids and to make such techniques a part of their plan. Conceivably, if plans for any large, broad-scale state-wide introduction of new audio-visual aids and techniques were proposed, additional legislation would be needed.]

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

3. Preparing Curricula

Art. 2,Section 1732(7) sets forth the duties and powers of the state board of education with respect to courses of study. "The state board of education shall prescribe minimum standards in the courses of study to be offered in elementary schools, high schools ... and in all other kinds, grades, and classes of schools,or departments thereof, which may now or hereafter be maintained in the State,in whole or in part, from any state fund or funds: Provided, however, that the courses ofstudy in the state educational institutions shall be prepared by the faculties, teachers, or other constituted authority thereof, and shall, before going into effect, be submitted to the state board of education for its approval ..."

Art. 2,Section 1734(9) sets forth the required courses ofstudy (history of the United States,history of West Virginia, etc.) and states, "The state board of education shall, with the advice of the state superintendent of schools, prescribe the courses of study covering these subjects for the public elementary and grammar schools, public high schools and state normal schools.

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

There is no specific Code provision relating to this subject. However, Section 1745, which gives the state superintendent of schools authority to call conferences (referred to in the topic on "Planning") could be cited. These conferences of local superintendents might well cover advice on use of AV aids which could then be passed on to the individuals themselves. In addition, Section 1761 (referred to in "Planning") requires the county superintendent to visit schools and "make suggestions" concerning the instruction and to call conferences, as well, of principals and teachers.

[The sections cited above might ~~be~~ well be helpful in pinpointing authority for this topic. Certainly, conferences of the state superintendent with local superintendents and similar conferences of local superintendents with the principals and teachers goes directly to the heart of every-day classroom instruction and management and could provide the means of advising subordinate units and teachers on the use of AV aids and, where directed to use such aids, the directing authority could publish lists of material available. Also, the section cited above requiring the county superintendent to make suggestions to principals and teachers could easily cover authority for "advising" them on the use of AV aids.]

[Also, see references under "Library Programs," mentioning lists of books and circulars of information distributed by the state superintendent of schools and the West Virginia Library Commission.]

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

5. Organizing AV units

No specific code references cover this topic. However, the general provisions relating to organization of the state educational ~~[illegible]~~ system would seem to provide the necessary authority for organizing AV units. The state board, in itsuathority to make rules covering the general powers and duties of county boards of education, and of teachers, principals, supervisorsand superintendents (Section 1730), would appear to have general authority to organize AV units to aid the educational structure. And,on a local level, the county superintendent, in exercising the authority required by the state or county board, would possibly be the proper agent to actually carry out rules and regulations implementing organization of AV units (Section 1760).

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

6. Conferring on AV use outside of state educational structure

No specific references. Reliance would have to be had on the general powers and duties of the state board of education (Section 1730).

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

7. Selecting AV aids

No specific references. General authority might be found in the referenes to the general state educational organization. However, more specific authority might be found in the sections cited in connection with Topic 9, "Acquiring AV aids." Section 1782(3) gives the county board (with prior approval ofthe state board) authority to use funds remaining in the "Free textbook Account" to purchase approved library books and other supplementary materials. Such "supplementary materials" could include audio-visual materials and any authority to purchase would necessarily imply authority to select. In addition, Section 1770, giving the county board authority to purchase "apparatus" and "necessary supplies," was cited as authority to acquire AV aids and might also be cited as authority, by implication, to select such AV "apparatus" or "supplies."

Section 1761 might again be cited. In that section the county superintendent is required to visit schools and "make suggestions" concerning instruction and class room management. In this connection, thisofficial could be instrumental in the selection of AV aids.

Section 1818, listing "Other Duties and Authority of Teachers," states that "Teachers shall exercise such other authority and perform such other duties as may be prescribed for them by law or by the rules of the state board of education." This is remote, but where discretion is given to the teachers themselves in certain areas by the board of education, it is conceivable that discretion to select AV materials, such as films, TV programs, etc., might be based on this authority.

> [The above is cited because it might apply in a particular situation where selection of AV aids is not done on a state-wide or county-wide basis, but is left to the principal or teacher in individual schools.]

PRECEDING PAGE MISSING

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

9. Acquiring AV aids and school supplies, equipment and textbooks

Section 1782(4) of Art. 5 sets up a "Free Textbook Account." "The money allocated to a county board of education under this act shall be kept by such county board in a separate account to be known as the 'Free Textbook Account' and may beused for no other purpose except as otherwise provided by this section." (The money is distributed among the several counties of the State as provided by the legislature. Sec. 1782(3)). After complying with the sections prescribing free distribution of textbooks "for the pupils whose parents, in the judgment ofth board, are unable to provide the same," any funds remaining in the "Free textbook Account" shall be used for the purchase of approved library books and other supplementary materials for grades one to eight, such purchase first having had the approval of the state board of education.

Section 1770 requires the county board to provide "By purchase, lease, building or otherwise, a sufficient number of suitable schoolhouses and other buildings to meet the educational needs of its district; [and] the necessary furniture, fixtures, apparatus, fuel and all necessary supplies for the schools."

> [The compiler has this note on case law following this section: "Section Permits School Board to Provide Maps.--The board of education may, under the head of 'appliances', provide for the school houses maps and charts; but it must be made to appear that they are not mere school books in some other form or under some other name, but something of which a few will answer the needs of all, suitable to the school and reasonably necessary to enable the teacher to impart instruction to the pupilsmore efficiently in such branches as are required to be taught. Honaker v. Board, 42 W. Va. 170, 175, 24 S. E. 544, 57 Am. Rep. 847, 32 L.R.A. 413, 45 L.R.A. (N.S.) 972n, 7 A.L.R. 792n, 796n, 17 A.L.R. 299n. The word 'appliances' formerly appeared in this section where the word 'apparatus' now appears--a fortiori the holding would now be the same.--Ed. Note."]

PRECEDING PAGE MISSING

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

11. Regulating use of AV aids and keeping statistics on use and using personnel

No specific references. General powers and duties of the state and county boards of education (referred to previously) would cover this function. The sections on reports, Section 1740 relating to reports of the state board, and 1748 relating to reports of the county board, would provide authority for keeping statistics on the use of AV aids and the personnel using such aids. Section 1813, in addition, requires every teacher, principal, supervisor, or other person employed by a district board of education to keep any records or reports required by the state superintendent of schools. Teachers are also required to keep any other records and reports as required by the specific board of education employing them. Section 1774 gives the county board, subject to the rules and regulationsof the state board authority "to control and manage all of the schools and school interests of the county..." This would appear to be all-inclusive authority covering such specific functions as the regulation of use of AV aids.

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

12. Distributing AV aids

No specific provisions. Comments under Topic 9 (above) relating to the acquisition of AV aids and similar equipment would seem to apply here. Authority as listed in Sections 1782(3), 1782(4) and 1770 for acquiring supplementary materials and equipment by the county board of education would seem to supply the necessary authority for distributing such materials and equipment as well.

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

13. Producing AV aids

There are no specific references to any programs for producing audio-visual aids, movies, television programs for schools, etc.. If there are any such programs in any of the state colleges, information of that sort might be obtained directly but is not found in the code. Without listing any of their programs or facilities, Section 1738 lists the state institutions under the state board: "The state board shall have general control, supervision and management of the business and educational affairs of Marshall College, Fairmont State College, West Liberty State College, Glenville State College,West virginia Institute of Technology, Shepherd College, Concord College, West Virginia State College, Bluefield StateCollege, the West Virginia Schools for the Deaf and the Blind, and the West Virginia School for the Colored Deaf and Blind."

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of WestVirginia, Reprinted from Michie's West Virginia Code of 1956 and 1957 Cumulative Supplement.)

14. Certificating teachers

Section 1819 setsforth the general qualifications and requirements ("a valid teaching certificate," good moral character, etc.).

Section 1827 gives the state superintendent authority to issue certificates. A professional certificate for teaching in the public schools may be issued for a five-year period to the holder of a bachelor's degree from an approved institution ofhigher education. "...The certificate shall be endorsed for teaching in the elementary or secondary schools or both in accordance with an approved program completed by the applicant." It is also stated, "Other certificates or teaching permits validin the public schools are authorized to be issued by the state superintendent of free schools, with the approval of the state board of education, as warranted by conditions and the changing needs of education."

/No reference can be found to specific subjects making up an "approved program," so that it is not possible to determine whether training in audio-visual aids as part of teacher education is required or even offered in training institutions./

Section 1844 provides that a county board of education may approve the attendance of any or all teachers at educational conventions, conferences, or other professional meetings of teachers when necessary or desirable (on school days, without loss of pay).

Section 1731 provides that the training of teachers in the State shall be under the general direction and control of the state board of education, which shall, through thestate superintendent of schools, exercise supervisory control over the state normal schools and such other state educational institutions, except the West Virginia University, as may be charged with the duty oftraining teachers, and over normal training high schools.

Section 1799 provides, "Whenever, in the judgment of any county high school badrd or of any county, district or independent district board of education in whose district a high school ismaintained, it is advisable to provide for the better training of the teachers in the elementary schools of its county or district, such county high school board, district board of education or independent district board of education shall have the authority to establish and maintain a normal training department in connection with any high school under its control, to provide necessary rooms, furniture, equipment and supplies, and to employ teachers therefor. The state board of education shall have the duty of prescribing a course of study for such normal training departments.

WEST VIRGINIA

(All references are to Chapter 18 ofthe West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

15. Prescribing qualifications of using personnel

Section 1793 provides that the county board of education, upon the recommendation of the county superintendent, shall have authority to employ such general and special supervisors or directors of instruction and ofsuch other educational activities as may be deemed necessary. Rules and regulations for qualifications of such personnel are to be fixed by the state board of education.

[This section is cited in connection with the above topic as possible authority for employing and qualifying personnel connected with using audio-visual equipment other than the regular teaching staff.]

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1956 and 1957 Cumulative Supplement.)

16. Accrediting schools.

Section 1731 gives to the state board of education the authority to make rules and regulations for the classification and standardization of all schools in the State (except the West Virginia University) and to determine the minimum standards for the conferring of degrees and the granting of diplomas.

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

17. Federal aid to schools

Section 1870 empowers the state board of education ~~is~~ to accept for the State of West Virginia, and expend for the purpose designated, any funds that may hereafter be made available to the board out of the federal treasury for the use of state colleges and other state institutions under the direct control and supervision ofthe state board, or "for any other educational purpose." The state superintendent of free schools is empowered to accept funds made available out of the federal treasury "for current expense, capital outlay, free textbooks, or any other educational purpose in local public school units, or for any other educational purpose."

The section goes on to set up a system of allocation for any such federal funds received,"subject to the provisions and conditions of applicable federal law," ~~setting 71% for teachers' salaries~~ setting aside 71% for teachers' salaries and 29% for distribution to the several counties.

Section 1871 authorizes the state board of education "as to educational matters" and the state board of control as to financial and business matters to carry out the provisions of acts of Congress making appropriations to the state for educational purposes. The treasurer is made custodian of any such moneys (Section 1872).

Sections 1872(1) and 1872(2) authorize the West Virginia library commission to accept federal appropriations for rural library service, and for "similar library purposes" and designate the State treasurer the custodian of such "library moneys," whether from federal or other sources.

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted fromMichie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

18. Private aid to Schools.

Section 1766 gives to county boards the power to receive, hold and dispose of any gift, grant or bequest, according to law and the intent of the instrument conferring title.

[It appeared that unconditional gifts or donations to the State board of education are, by Section 1740(1), specifically set aside for use in establishment and operation of a state camp and conference center, as detailed in that Section, so that only the county boards may use private aid to schools at their discretion.]

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

19. Library Programs

Section 1781 provides that the county boardmay provide libraries for its schools and may "purchase books, bookcases, and other things necessary therefor, andshall pay the cost of such libraries out of school funds of the county."

Section 1872(1) states, "The West Virginia Library commission ... is hereby authorized and empowered to accept for the State of West Virginia any appropriations of money for rural library service, and for similar library purposes, that may hereafter be made out of the federal treasury by an act or acts of Congress" and Section 1872(2) designates the State treasurer the custodian of these funds and requires him to make reports, audit disbursements, etc..

Section 1747 also contains a reference to library procedures. In that section, the state superintendent of schools is required to have prepared and published "a list of books suitable for school libraries" and to distribute such list among the teachers, principalsand superintendents throughout the State.

- -

WEST VIRGINIA LIBRARY COMMISSION

The following reference is to Chapter 10 of the West Virginia Code, listed in the above publication (Michie's School Laws) as "Related Statutes."

Sections 627 through 641 deal in general with public libraries in West Virginia. The governingauthority (meaning county court, county board of education or the governing body of any municipality(Sec. 627)) shall have the power to establish, equip and maintain a public library, to finance the same by appropriation from the general funds of the governing authority or by imposition ofan excess levy for library purposes (Sec. 628). Any school board may contract for school library service from an existing public library which shall agree to furnish books to a school or schools under the terms of the contract (Sec. 630). Section 631 requires the governing authority to appoint a library board of directors. The board of library directors of each public library shall be a corporation, may contract, sue and be sued, and take title, in trust, to bequests or donations. Section 638 sets up the "West Virginia Library Commission, whose duties (Section 640)shall consist of: giving assistance, advice and counsel to all school, state-institutional,free and public libraries; receiving gifts of money, books or other property; purchasing and operating traveling libraries; publishing lists and circulars of information; and performing "such other service in behalf of public libraries as it may consider for the best interests of the State."

Section 641(3) lists the "Powers of West Virginia Library Commission

19. Library Programs (Cont'd.)

over Regional Libraries," as follows:

To establish, maintain, and operate a public library for the region.

To appoint librarian and necessary assistants.

To purchase books, periodicals, equipment and supplies.

To purchase sites, erect buildings, or lease quarters.

To borrow books from and lend books to other libraries.

"To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries, or to cooperate with and aid generally without such contracts, public school, institutional and other libraries."

To make rules and regulations.

To accept appropriations from federal treasury.

Section 641(5) again authorizes the library commission to render aid, financial, advisory and otherwise, to public, school, county, or regional libraries. Section 641(6) authorizes the library commission to collect and preserve statistics and other data, concerning libraries of any sort within the state.

WEST VIRGINIA

(All references are to Chapter 18 of the West Virginia Code, as compiled in School Laws of West Virginia, Reprinted from Michie's West Virginia Code of 1955 and 1957 Cumulative Supplement.)

20. Research programs

No specific provisions, but authority could be found in the general provisions relating to powers and duties ofthe state board (Section 1730), giving that body power to determine the educational policies of the state. Other possible authority might be found in the sections referred to under the topic "Planning the use of AV aids" (2, above), particularly Section 1745, giving the state superintendent authority to call conferences of local superintendents for the purpose of considering matters relating to the needs of the schools and means of improving them.

WISCONSIN (1959-60)

Enrollment in full-time public schools:	
Elementary	510,988
High School	221,267
Number of school districts (including non-operating)	2,877
Number of elementary schools	4,192
Number of high schools (including junior high)	628
Expenditure per pupil in average daily attendance	$399

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-60 (OE-20006-60, pp. 6-7, 9, 11.

WISCONSIN

County and Independent School Superintendencies

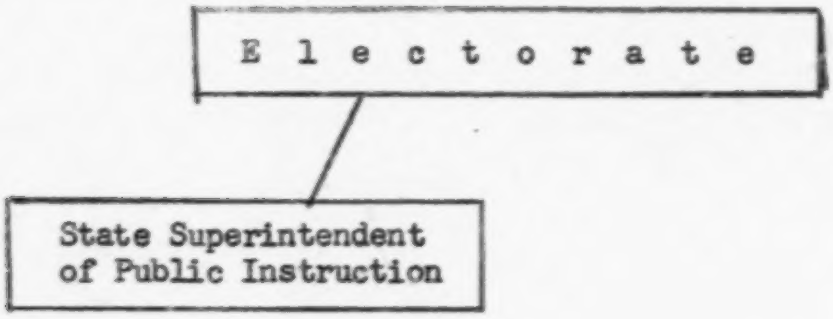
There are 190 school superintendencies in the State: 71 county-intermediate superintendencies, one complete county-unit superintendency, and 118 independent city or town superintendencies. The superintendents of the 71 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 199.

Source: U. S. Department of Health, Education, and Welfare,
The State and Education (OE-23008), Washington, 1960, pp. 155-157.

WISCONSIN

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools....

   b. Supplementary programs

   Board of Commissioners for the Sale of School and University Land (administrative).--Consists of 3 ex officio members--the secretary of State, the treasurer, and the attorney general. The board is a constitutional agency charged with the responsibility of supervising the sale of school ......land and investing the funds arising from such sales.

3. Chief State School Officer

   The State superintendent of public instruction is a constitutional officer elected on a nonpartisan ballot by the qualified electors of the State for a 4-year term. No person is eligible to the office of State superintendent of public instruction unless, at the time of his election, he has taught or supervised teaching in the State of Wisconsin for a period of not less than 5 years, and unless he holds the highest grade of certificate the State superintendent is empowered by law to issue.

7. Coordination of the State Education System Through Structure

   The State superintendent of public instruction is responsible for the coordination of the State program of public elementary and secondary education .....

8. Coordination of the State Education System Through Ex Officio Memberships

The secretary of State, the treasurer, and the attorney general are ex officio members of the board of commissioners for the sale of school and university lands.

9. Fiscal Coordination

The six educational agencies which transmit budgetary requests to the director of budget and accounts are: .....State superintendent of public instruction.

The director of budget and accounts is appointed by the governor with the advice and consent of the senate for a 6-year term. He may be removed by the governor but only with the consent of a majority of the members of the senate. He acts in a staff capacity to the governor in the preparation of the executive budget. The governor may affirm, increase, or cut the budget of any educational agency. Upon meeting with the approval of the governor, such budgets are incorporated into the executive budget which is transmitted to the legislature by the governor at the time he delivers his biennial budget message.

State: **Wisconsin**

Source of information unless otherwise stated: **Laws of Wisconsin Relating to Public Schools. Issued by State Superintendent, 1959. (numerical citations are to sections of Wisconsin Statutes.)**

PART I

Educational Organization

State level:

Department of Education: called **State Department of Public Instruction**

how organized: **into divisions. See page 11 of Biennial Report 1957-59 for distribution of authority.**

established by:

is it a body corporate: **no.**

State Board of Education: called **none. But there is the Governor's Educational Advisory Committee (Sec. 15.98)**

established by:

is it a body corporate: **see below.**

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Chief state school officer: called **State Supt. of Public Instruction**

office established by: **Art. x, Sec. 1, Constitution**

how selected: **popular election, ibid.**

is confirmation necessary: **no**

subject to what control: **electorate**

to whom reporting: **Governor, Sec. 39.02 (16)**

term of office: **4 years, Art. X, Sec. 1, Constitution**

staff and who appoints: **various officers provided by different sections and appointed by State Supt. of Public Instruction**

Other organization or official: called **Governor's Educational Advisory Committee, Sec. 15.98.**

State: **Wisconsin**

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called **County School District, or Joint County School District**

how organized: **from subordinate school districts**

composition:

is it a body corporate: **No. The political organization is "governing body", Sec. 40.05.**

Board of education, if any: called **County School Committee**

established by: **Sec. 40.02**

is it a body corporate: **apparently not**

composition: **6 residents of county (viz: 6 at large or 3 from cities or villages and 3 from towns), Sec. 40.02**

how selected: **appointed by County Board (a municipal organization), Sec. 40.02**

is confirmation necessary: **no**

subject to what control: **electorate (election and referendum)**

to whom reporting: **State Superintendent advises it;** but reporting to **him is required,** Sec. 39.02(19).

term of office: **3 years, overlapping, Sec. 40.02**

Administrative officer of unit; called **County Superintendent of Schools**

office established by: **Sec. 39.06**

how selected: **popular election, ibid.**

is confirmation necessary: **no**

subject to what control: **State Supt., Sec. 39.02(19). Also acts as secretary of County School Committee, Sec. 40.02(1b).**

to whom reporting: **State Supt., Sec. 39.02(19, also annually to County Board, Sec. 39.10(10)**

term of office: **4 years, Sec. 39.06**

staff and who appoints: **as authorized by County Board and appointed by County Supt., Sec. 39.15. Also Supervising Teachers, appointed by County Supt., Sec. 39.20.**

Also County Textbook Board of 3 to 5 members elected for 5-year terms at annual county convention of component districts, each district having 1 vote, Sec. 40.49.

State: **Wisconsin**

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called **School district**

how organized: **common school, union high school, unified, city school, Sec. 40.01(3)**
composition:

is it a body corporate: **apparently, but not specifically stated, Sec. 40.18**
Board of education: called **School district board, or district board of education**
established by: **Sec. 40.01(3)**

is it a body corporate: **no. School building corporations organized as required by members of the school board, is the corporation.**
composition: **director, treasurer, and clerk (40.25) & members from 3 to 9 (40.26)** Sec. 40.305(1) & (5)
how selected: **at annual district meeting (40.22) or by popular election (40.27)**
is confirmation necessary: **no**

subject to what control: **County Supt. (40.35) and State Supt.** 39.02(19)

to whom reporting: **electorate**

term of office: **3 years (40.25 and 40.26)**
meetings: at least 4 times a year, 40.28.
Administrative officer of unit: called **director of school district**

office established by: **40.25**

how selected: **vote at annual meeting (40.25) or by popular vote (40.27)**
is confirmation necessary: **no**

subject to what control: **district board (40.33 and 40.34)**

to whom reporting: **through clerk, to county supt., 40.35 and 40.74.** also to State Supt. 39.02(19)
term of office: **3 years (40.25)**

staff and who appoints: **treasurer and clerk. Elected under 40.25 and 40.27, as well as teachers appointed by board, 40.40.**

State: **Wisconsin**

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called **city school district**

how organized:

composition:

is it a body corporate: **no**

Board of education: called **city school board of education**

established by: 40.803

is it a body corporate: **no**

composition: **3 to 9 members (40.26)**

how selected: **popular election, 40.803, or appointment, 17.26**

is confirmation necessary: **no**

subject to what control: **electorate**

to whom reporting: **electorate**; also to State Supt. 39.02(19)

term of office: **same as for common school, 3 years (40.25 and 40.26)**

Administrative officer of unit: called **city supt. of schools**

office established by: 40.809

how selected: **appointed by city board, 40.809**

is confirmation necessary: **no**

subject to what control: **city board, ibid.**

to whom reporting: **city board, ibid., and to state supt., 39.14** 39.02(19)

term of office: **not more than 3 years, 40.809**

staff and who appoints: **not stated, but obviously as provided by city board, 40.809**

State: **Wisconsin**

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called **city of the first class school district**

how organized:

composition:

is it a body corporate: **no**

Board of education: called **board of school directors**

established by: 38.015

is it a body corporate: **no. The political unit is.**

composition: **15 members, 38.015**

how selected: **popular election, 38.02**

is confirmation necessary: **no**

subject to what control: **electorate, 38.02**

to whom reporting: **common council of city, 38.16**, also to State Supt. 39.02(19)

term of office: **6 years, 38.03**

Administrative officer of unit: called **Superintendent**

office established by: **38.09**

how selected: **election by board, ibid.**

is confirmation necessary: **no**

subject to what control: **board**

to whom reporting: **board, ibid.**, also to State Supt. 39.02(19)

term of office: **3 to 5 years, as determined by board, 38.09**

staff and who appoints: **as determined by board, 38.09. Also secretary-business manager of board, appointed by it, 38.10.**

State: Wisconsin

School Districts

Article X of the State Constitution reads in part as follows:

> District schools; tuition; sectarian instruction. Section 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable [emphasis added]; and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

Under Wisconsin law, as reflected in a number of different statutes on such subjects as creation or change of school districts, taxation, apportionment of costs, and calling of elections or referendum to determine the school question involved, it is the political unit and not the educational unit which takes definitive action. There is no specific provision to indicate that either the school district or its corresponding board is incorporated, as in most States, with power to sue, levy taxes, or issue bonds for building schools or meeting costs of education. Necessary action is taken by the political unit. When a school building is erected, a special corporation is organized for that purpose and evidently performs acts which in other jurisdictions might be performed by the school board.

State: **Wisconsin**

Source of information unless otherwise stated: **Laws of Wisconsin Relating to Public Schools. Issued by State Superintendent, 1959. (numerical citations are to sections of Wisconsin Statutes.)**

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

State Superintendent of Public Instruction

The state superintendent shall: (Sec. 39.02)

(1) General Supervision. Ascertain the condition of the public schools, stimulate interest in education, spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.

(2) Sectarianism. Exclude all sectarian books and instruction from the public schools.

(3) Educational Meetings. Attend such educational meetings and make such investigations as he may deem important, and such as will acquaint him with the different systems of public schools in the United States.

(4) Supervision of Schools. Supervise and inspect the public schools, county schools of agriculture and domestic science, manual training schools, county normal schools, day schools for handicapped children; and advise with the principals and local authorities thereof, and give assistance in organizing such schools.

(6) Public Information. By reports, bulletins, circulars, correspondence and public addresses give the public information upon the different methods of school organization and management and the subject of education generally.

(8) Educational Literature. Collect in his office such schoolbooks, apparatus, maps and charts as may be obtained without expense to the state. He may purchase at an expense not exceeding $250, in any one year, books and periodicals bearing upon the different phases of education.

PART II - continued (2)

(9) Forms for School Officers. Prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting school meetings.

(10) Courses of Study. Prepare and publish, from time to time, courses of study for the public schools, and the other schools under his supervision, and furnish copies thereof to the school district boards.

(14) School Fund Income. Apportion the school fund income as provided by law.

(16) Report to Governor. Report to the governor, during the last half of each even-numbered year:

(a) The condition of all schools under his supervision.

(b) An abstract of the public school reports made to him.

(c) His visits to educational institutions.

(d) The work done by the assistants, inspectors and others in the performance of the duties of his office.

(e) Plans for improving the schools and advancing education.

(f) A summary of the receipts and disbursements of all schools under his jurisdiction.

(g) Such other matters as he deems expedient.

(17) Teachers' Institutes. Supervise the public school teachers' institutes.

(18) Annual Conventions. Annually hold conventions of county superintendents, of city superintendents, and of supervising teachers.

(19) Reports to Superintendent. Require from school district officers, superintendents, principals and teachers, and district officers shall make to him, such reports as will enable him to distribute and award the state school fund appropriations and the several state educational appropriations to the various schools and persons entitled thereto, and to properly discharge the other duties of his office.

(21) Licensing and Certification of Teachers. License all teachers for the public schools of the state, and make rules and regulations and prescribe standards of attainment for the examination, licensing and certification of teachers within the limits prescribed in s. 40.43 (3); file in his office all papers relating to state teachers' certificates and register each such certificate.

PART II - continued (3)

(22) County School Committee. Advise and consult with county school committees.

(26) Federal Aids. Accept federal funds for any function over which the state superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds.

Sec. 40.71 (6) State Superintendent May Vary Aids. (a) The state superintendent may, at his discretion, provide a higher level of aids than the district would be entitled to under this section and s. 40.70, if in his judgment the geography, sparsity of population, inadequacy of property valuation, difficulties of transportation, or other factors, make it impossible for the district to qualify for the higher level of aids, provided that the school district levies a tax for school purposes, of at least 5 mills in the year for which the aid is granted on the equalized valuation of the district for the year previous. He may also withhold the aids from any school in which the scope and character of the work are not maintained in such manner as to meet his approval.

(b) If the state superintendent is satisfied that the educational program of any union high school district meets the requirements of s. 40.67 (1),(2)(d),(f),(g) 2 and 3 and that the district did levy a tax of 3 mills, or more in the year prior to that in which the aid is granted on the equalized valuation of the district for the year prior to the levy of such tax, the state superintendent shall grant in aids an amount equal to the required mill levy made by the district up to 10 mills on the amount by which the equalized valuation per resident pupil in average daily membership up to 25 resident pupils in average daily membership per teacher is less than $70,000 but not less than $53 per resident pupil in average daily membership up to 25 resident pupils in average daily membership per teacher. State aids shall be paid on account of nonresident union high school pupils at the rate of $53 per nonresident in average daily membership which $53 shall be deducted from the nonresident tuition claims under s. 40.91 (4) and (5).

(c) If the state superintendent is satisfied that the educational program of any union high school district meets the requirements of a high school in a basic district and that the district did levy a tax of 3 mills, or more, in the year prior to that in which the aid is granted on the equalized valuation of the district for the year prior to the levy of such tax, the state superintendent shall grant in aids an amount equal to the required mill levy made by the district up to 10 mills on the amount by which the equalized valuation per resident pupil in average daily membership up to 25 resident pupils in average daily membership per teacher is less than $55,000, but not less than $40 per resident pupil in average daily membership up to 25 resident pupils in average daily membership per teacher. State aids shall be paid on account of nonresident union high school pupils at the rate of $40 per nonresident in average daily membership which $40 shall be deducted from the nonresident tuition claims under s. 40.91 (4) and (5).

PART II - continued (4)

County Superintendent of Schools

Sec. 39.10 County superintendent; duties. The county superintendent shall:

(1) Provide educational leadership.

(2) Visit the schools under his administration whenever necessary.

(3) Inquire into matters relating to the course of study, records, modes of instruction, textbooks and discipline of the schools.

(4) Keep informed upon new techniques and procedures of instruction.

(5) Advise school boards and teachers as to their powers and duties.

(6) Make all reports and investigations requested by the state superintendent.

(7) Certify to joint district clerks the full valuations of the various parts of a joint school district as provided in s. 40.35 (8).

(8) Perform such services as the boards of education and superintendents of cities operating under the city school plan in ss 40.80 to 40.827 and school districts that include a city or cities within their boundaries and which employ a superintendent under the provisions of s. 40.92 (1) may request on a contract basis.

(9) Direct the school board to make any alterations and repairs which, in his opinion, are necessary to the health, comfort or progress of the pupils; and to abate any nuisance upon the school premises, provided the same can be done for $50.

(10) Report annually to the county board the condition of the schools under this supervision.

(11) Name each rural schoolhouse in his district, and notify the district clerk thereof.

Sec. 39.11 County superintendents' conventions. The county superintendent shall annually attend at least one convention called by the state superintendent for the purpose of consultation, advice and instruction pertaining to the public schools.

Sec. 39.12 School board convention. The county superintendent may annually hold one or more school board conventions for the purpose of consultation, advice and instruction pertaining to the schools of his county.

Sec. 39.14. County superintendents' reports, proceedings thereon. (1) Each county superintendent shall annually before September 15 submit to the state superintendent a written report as of June 30 containing a list of the districts and schools under his supervision, an abstract of the reports of school district clerks, and such other facts as are required by the state superintendent.

Sec. 39.16 Teachers' institutes. The county superintendent may each year conduct one or more institutes for the teachers of his district.

Sec. 39.20 Supervising teachers. (1) Employment. (a) The county superintendent in the name of the county shall employ a supervising teacher, and, if there are more than 120 departments under his supervision, he shall employ 2 supervising teachers......

(c) The county superintendent may employ supervising teachers in addition to those provided for by par. a in such number as may be approved by the county board.....The county superintendent may employ specialists and additional supervising teachers to those provided for in par. (a) in such number as may be approved by the county board. The qualifications for this personnel shall be approved by the state superintendent of public instruction but shall not be governed by the provisions of this section.

(4) Duties. The supervising teacher shall, under the direction of the county superintendent, supervise and assist the school teachers in her district, devoting special attention to the less experienced teachers; assist in organizing the schools, classifying them according to the work done, and in grading pupils. She shall stimulate interest among the pupils, teachers and parents in agriculture and other subjects pertaining to rural communities and shall consult and advise with school boards......

County School Committee

Its only functions, as described in Sec. 40.04, relate to determining amounts allowable, over established standards, for transporting certain non-resident students, and approval of school bus routes for certain non-resident students.

This organization is not the counterpart of other boards of education and has no significance in the distribution of powers.

Supervising Teachers

These are appointed by the county superintendent in some ratio to the number of "departments" or in some cases the number of teachers under his supervision, the usual number, apparently, being 1 or 2, Sec. 39.20(1). The duties of the supervising teacher, under direction of the county superintendent, include the following:

(a) supervise and assist the school teachers in her district devoting special attention to the less experienced

(b) assist in organizing the schools, classify them according to work done, and in grading pupils

(c) consult and advise with school boards

(d) report weekly to county superintendent on her findings

School Districts

School districts are classified in Sec. 40.01 as follows:

common school districts
union high school districts
unified school districts
school systems under Ch. 38 (Milwaukee)

The 39th Biennial Report of the State Department of Education, 1957-1959, states on p. 41 that in 1948-49 there were 6,273 school districts in existence but that this number had decreased to 2,904 districts by the start of the 1959-60 school year - a total decrease of 53.7% and the dissolution of about 300 districts each year during this period. With this ferment of reorganization it is not surprising to find a considerable amount of legislation concerning procedures and referenda for redistricting, and the solution of fixed obligations disturbed by these continual changes. There is not as much corresponding detail, however, concerning the operating powers of school districts similar to those provided in the legislation of other States. One reason for this, of course, may be the concentration of power in the State Superintendent of Public Instruction and in the organization working under his direction at county and lower levels. But it is also possible that the Wisconsin provisions for referenda on a number of subjects in State and local government may have led to locating permanently greater powers in the voters and fewer in organizations such as school boards.

Common school districts. At the annual meeting, provided for in Sec. 40.22, it is the voters who actually determine many questions, at least some of which are customarily determined by a school board in other jurisdictions, with varying degrees of consultation with local voters. For instance, aside from electing the board and officers, the voters may

adjourn from time to time (subsec. 2),

designate sites for schoolhouses and teacherages and provide for erecting the appropriate buildings (subsec. 4),

vote a tax to purchase, equip, furnish and maintain schoolbuildings (subsec. 5),

vote a tax to buy and operate school buses (subsec. 6),

vote a tax to operate the school (subsec. 7),

vote to sell unneeded property (subsec. 8),

vote a tax to pay school debts (subsec. 9), authorize the board to furnish free textbooks until further vote (subsec. 11),

determine the length of the school year, but not less than 9 months (subsec. 12),

vote salaries for board members and officers, (subsec. 14),

direct the board to furnish hot lunches to pupils and appropriate funds for that purpose (subsec. 15),

in counties containing less than 500,000 population, authorize the board to employ public health nurses and dentists, and vote a tax for that purpose (subsec. 16),

vote a tax to create a sinking fund for capital expenditures (Subsec. 17),

authorize and direct an audit of accounts (subsec. 18),

authorize the school board to contract with building corporations (subsec. 20).

Under Sec. 40.24, a special district meeting, that is the voters assembled, has the same powers as the annual district meeting except the power to elect officers.

Sec. 40.28 requires that the board of the common school district shall hold at least four meetings a year including one preparatory to the annual meeting. At the preparatory meeting accounts are considered for presentation to the annual meeting, and an annual budget to be incorporated into the gross budget of the political unit, with some exceptions, as required by Sec. 65.90. The requirement for public hearing, in so far as the school budget is concerned, is met by the public hearing of the annual district meeting. The machinery of the political unit is used for levy and collection of taxes for school support, ibid.

Sec. 40.29, entitled District Board, Duties, and Sec. 40.30, entitled District Board, Powers, take up four pages of close printing, but the subject matter of the two is very similar and the "shall" directives of the first slip over at times and are mingled with some of the "may" permissives of the second. Some of these provisions relate to property maintenance and inventory, the public use of school buildings by several kinds of organizations, free lectures for adults, designation of depositories, establishment of nursery schools and kindergartens, employment of public health nurses, and medical examination of pupils, teachers, employees, and administrative personnel. The following provisions have more direct bearing here:

Sec. 40.29(2) The board shall keep the buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times.

Sec. 40.29(8) If any district has not voted a tax sufficient to maintain its schools for the term of 9 months...the board shall ...determine the sum necessary to be raised...and...certify to the municipal clerks the amount so fixed, and he shall assess the same... (This supplements the budget procedure referred to above.)

Sec. 40.29(12) The board shall visit the school, examine into its condition, advise with the teacher in regard to the instruction, government and progress of the pupils, and exercise general supervision over the school.

Sec. 40.29(13) The board shall provide books and school supplies for indigent pupils residing in the district.

Sec. 40.30(8) The boards of common school districts, high school districts, unified school districts and city school districts may apply for, receive and expend moneys made available to them by any act of Congress for agricultural, vocational or military training or for enlargement of educational facilities including teaching staff or for school lunch programs.

Sec. 40.30(15) The board may purchase necessary books and stationery for keeping the records and doing the business of the district in an orderly manner, and such equipment, books, school apparatus and heating and ventilating apparatus, as may be approved by the State superintendent or by the county superintendent for the use of schools, not exceeding $600 in any one year, from any funds not otherwise appropriated, and such school books as in their judgment may be needed by pupils whose parents are not able to furnish the same. Said limitation of $600 in any one year shall not apply to school boards in districts maintaining a high school and at least one graded school.

Sec. 40.30(17) The board may make rules for the organization, gradation and government of the schools, such rules to take effect when signed by a majority of the board and filed with the clerk...

Sec. 40.30(20) The board may pay the membership fee in an organization of school boards in this state and the actual and necessary expenses of its representatives incurred in attending meetings of such organizations.

Sec. 40.301 authorizes boards of any school districts operating under chapter 40 to receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property used or useful for school and educational purposes.

Under Sec. 40.40, the district board shall contract with qualified teachers, but no teaching contract with any person not legally authorized to teach the named school or subject shall be valid. Teachers' certificates are obtained from the state superintendent pursuant to procedures prescribed in Sec. 40.43. But the qualification stated is only two years of pedagogical study beyond high school, except some slight additional requirements for teaching courses in economics, social studies, agriculture, and science.

City School Districts. Each city operating under the city school plan (Sec. 40.80) is a separate school district, and territory outside of the city joined to it for school purposes is part of the district, Sec. 40.801. The city school board (Sec. 40.803) has the same powers and duties as the board of a common school district, except as otherwise provided by statute, Sec. 40.809, but some powers are enumerated and include the following:

(1) establish and organize high schools, elementary schools, and certain other special schools

(2) employ a city superintendent, but not for longer than 3 years at a time, assistant superintendents, school principals and teachers

(3) grade the schools and prescribe courses, subject to authority of the State superintendent

(4) select and acquire school sites, but title to all school property shall vest in the city

(5) purchase and preserve necessary school equipment and apparatus

(6) contract for fuel...and supplies for the schools

(7) employ maintenance personnel

(8) fix compensation and duties of all persons employed or appointed by the board

(9) prepare budgets, purchase school sites, construct school buildings, but action under this subsection is subject to approval by the common council of the city, with a minor exception covered by Sec. 40.807

(11) pay membership fee in an organization of school boards and expenses of representatives attending

(12) determine what textbooks shall be used in the schools; but a list of such books shall be kept in its office and it shall not change within 3 years of adoption, unless the city furnishes free textbooks

(13) purchase such textbooks and fix the terms and conditions upon which they shall be furnished to the pupils

(14) adopt rules for its own meetings and deliberations and for the government of the schools, the faculty, and other employees of the board

Under Sec. 40.819, the city superintendent of schools, or the superintendent or principal of a unified school district, shall have general supervision of the professional work of the schools, and the promotion of the pupils (subsec. 1). In addition

(2) he shall make written recommendations to the school board about teachers, courses of study, discipline and other matters and shall perform other duties required by the board

(3) he shall not be a member of the board

(4) he shall make the report required by Sec. 39.14 directly to the State superintendent

(5) he shall attend annually one convention called by the State Superintendent for consultation on matters relating to the supervision and management of city schools, and shall be reimbursed for expenses incurred for that purpose.

Sec. 40.92 provides for appointment of a district superintendent by a school board operating under the city school plan described above (Secs. 40.80-40.827) or a school board of a district including a city, and certain other districts described, but there is no enumeration of duties for such an official.

High School Districts. High school district meetings (Sec. 40.85) are conducted in the same way as common school district meetings, and have the same powers, essentially, as common school district meetings, Sec. 40.86 - also by definition, Sec. 40.86(7).

The high school board, which may be the same as the common school board if the territory of the high school and common school districts are identical (Sec. 40.86), but not otherwise (Sec. 40.87, subsec. 1), has the same powers as the common school board (Sec. 40.87, subsec. 2). Financing for high school districts is handled in the same way as for common school districts, Sec. 40.88.

Under Sec. 40.89, some additional authority is given to the high school board. It shall determine, with the advice and consent of the State superintendent, the course of study (subsec. 1). The board of any school district operating a high school may contract with the University of Wisconsin for extension courses (subsec. 3) and with certain approved flight operator schools for courses in flight instruction approved by the State superintendent (subsec. 4).

Chapter 38 (Secs. 38.01 through 38.30) is entitled Milwaukee School Laws. By its terms it is made applicable to cities of the first class. Milwaukee may be the only city of this class, inasmuch as the school census appearing on pages 101-102 of the 39th Biennial Report of the State Department of Public Instruction indicates that no other city in Wisconsin approaches it even remotely in size.

Various powers and duties are prescribed for the Board of School Directors operating under this chapter.

Under Sec. 38.05(2) the board is prohibited from incurring any indebtedness in excess of the amount of school funds subject to its orders.

Sec. 38.07 directs the board to organize and maintain an adequate number of schools, acquire or erect school buildings, purchase furniture and heating systems for them. But if the cost of proposed construction work exceeds $1,000, then the board is required to advertise for bids under a detailed procedure prescribed. In this same section, the board is empowered to define boundaries of common and high school districts within the city, provide transportation for pupils, and to employ maintenance personnel for the schools.

Under Sec. 38.08 the board has "power to adopt for use in the several public schools suitable textbooks", but is required to use uniform books throughout the several schools and not to change oftener than every five years.

It is empowered, under the same section to require that the system of instruction in the several schools under its control be as nearly uniform as possible, and to make rules for its own government and for the organization, discipline and management of the public schools consistent with their public usefulness.

The same section lists in subsection 4 a number of other powers of the board, but the only ones which are relevant, or suggestive of other implied powers, are the following:

a. to determine eligibility of teachers in its employ to the annuity and retirement fund established by the city and to hire all such other persons as may be required in the operation and management of schools, determine their qualifications, duties and compensation

e. to purchase from the county where the city is located furniture, furnishings and equipment, produced in county correctional institutions, for use in the schools

l. to purchase without competitive bidding any automotive transportation, maintenance, and construction equipment for use of any bureau, department, or employee of the board

Part II - continued (12)

m. to purchase textbooks for use of indigent pupils, with reimbursement to the board for their cost by the local government agency administering poor relief

Sec. 38.085 authorizes the board to receive and use gifts of furniture, books, equipment, supplies, moneys, securities or other property for use in schools or for educational purposes. Such property is deposited in the general educational fund, but is considered as segregated trust funds.

Under Sec. 38.09 the board shall elect a suitable person as superintendent of schools for a term of 3 to 5 years, but if an incumbent is reelected his term shall be for 5 years.

This same section relates to several other matters, including duties and powers of the superintendent. He shall, under direction of the board, "have a general supervision of the public schools", of all of numerous school officials of the city enumerated and of principals and teachers, and of the manner of conducting and grading such schools. He shall appoint, subject to confirmation by the board, such assistant superintendents, supervisors, educational department heads and other assistants and supervisors as the board authorizes, but the board shall not authorize appointment of any such employees except for ordinary school supervisory or administrative duties. The superintendent shall be an advisory member of every committee of the board except at times when such a committee is investigating his official acts. One of those committees is organized for the purpose of examining teachers and all school employees except those appointed by the superintendent; and the superintendent has the duty to make his recommendations to this "personnel" committee concerning employment and promotion of such teachers and other employees who are appointed not by him but by the board.

After the teachers are appointed, however, the superintendent has the power to assign them and engage and assign substitute teachers, ibid.

The same committee of the board "shall determine the courses of study and textbooks for the schools". Some of the "courses of study" required in the elementary schools are enumerated and include such subjects as English, grammar and composition, geography, arithmetic and so on - very general in terms. The superintendent specifies the time and grade level for teaching them, subject to the approval of the same committee, but all actions of the committee in this and in other matters are subject to amendment, rejection or confirmation by the board. Although these terms are general, this is probably the area, the procedure, and the authority for taking action on AV equipment and its use in classrooms.

Under Sec. 38.14, the high schools are under the same supervision and control as the elementary schools and the course of study in them and shall embrace such studies as the board and the superintendent deem proper, Sec. 38.16.

Under Sec. 38.10 the board is directed to appoint a suitable person as secretary-business manager, who has various duties, including those to be prescribed by the board. He takes a school census, keeps various records, including those of receipts and expenditures. Inasmuch as he is bonded, he might act in some way as a purchasing agent, but this is not stated.

The political machinery of the city is used for financing the schools. Each year before reporting on its budget, the board is required to hold a public hearing on the subject, Sec. 38.16, subsec. 5, after which it shall report to the common council of the city the amount of money required for the support of the schools, and for repairs to buildings and equipment, ibid., subsec. (1)(a). This body apparently has no veto power on the amount of the budget, but proceeds to levy and collect the necessary taxes on real and personal property in the same way as for other taxes, ibid. In subsec. (1)(b), however, a limit on tax rates is imposed.

A similar procedure is prescribed for raising funds for erecting or remodeling school buildings, ibid., subsec. (1)(c).

Proceeds of taxes are put in special earmarked accounts by the city treasurer, and drafts are drawn on the respective funds by orders of the board president and the secretary-business manager, countersigned by the city comptroller, ibid., subsec. (2). The secretary-manager is required to report periodically to the city comptroller action of the board involving claims for services by teachers and others and for material, Sec. 38.11.

Under Sec. 38.16 the board shall fix the salaries of all teachers in elementary schools, except principals and vice principals, subsec. (3), and of all of its other employees, subsec. (4)(a). Thus, except with respect to principals and vice principals, it may have a pay scale different from that for teachers and other employees in the rest of the State.

Section 38.17 of this chapter prescribes the procedure for issuing bonds for schools, by the city, following action by the common council upon formal request of the board of education, and following a favorable vote on the question submitted separately to the voters.

State: **Wisconsin**

Source of information unless otherwise stated: **Laws of Wisconsin Relating to Public Schools. Issued by State Superintendent, 1959. (numerical citations are to sections of Wisconsin Statutes.)**

PART III

Legal Authority Relating Specifically to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Sec. 39.02 (8) Educational Literature. (The state superintendent shall) collect in his office such schoolbooks, apparatus, maps and charts as may be obtained without expense to the state. He may purchase at an expense not exceeding $250, in any one year, books and periodicals bearing upon the different phases of education.

No other specific legislation on any of these subjects has been found. However, several statements appear in the 39th Biennial Report of the State Department of Public Instruction, 1957-1959, which are relevant. On page 33, future planning is discussed.

"Some projects which hold promise and which undoubtedly will assume increasing importance in the work of the supervisory division of the Department are as follows:

.....

3. Use of television and other audio-visual aids, particularly those which can be used by individual children by small groups and

4. Participation by members of the State Department with various other institutions and agencies concerned with improvement of instruction."

On page 32, the following statement appears:

"To supplement local programs of in-service growth for teachers, the Department, in cooperation with the state radio stations, developed a weekly radio program for teachers called 'Teacher Time.' Since its beginning in September, 1956, there has been a weekly program during the school year dealing with some problem of interest to school people. For the past two years, the program has been offered at four o'clock each Tuesday and again on Wednesday evenings."

State: Wisconsin

PART III - continued (2)

On page 76 the following statement appears:

> "There are a number of state trends which should be considered in the planning of school buildings in the future:
>
> .....6. Provision for a more stimulating learning environment at reasonable cost through:
>
> .....j. Development and research in television, language laboratories, and curricular changes in terms of building design....."

State: Wisconsin

Source of information unless otherwise stated: Laws of Wisconsin Relating to Public Schools. Issued by State Superintendent, 1959. (numerical citations are to sections of Wisconsin Statutes.)

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

yes 2. Planning the use of AV aids

39.02

yes 3. Preparing curricula

39.02(10), 39.10(3), 39.10(10), 40.46, 40.89, 38.09(3), 38.5

yes 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available
39.02(1), 39.02(4), 39.02(10), 39.02(17), 39.02(18)-39.10(1), 39.10(2), 39.10(3), 39.10(4), 39.10(5), 39.12-40.819-38.09

yes 5. Organizing AV units and cooperative activities
40.809(1)(14), 40.30(17), 39.02(4), 38.09

no 6. Conferring on AV use outside of State educational structure

State: Wisconsin

PART IV (continued)

Yes or No

yes 7. Selecting AV aids (and observing academic freedom)

same authority as for curriculum

yes 8. Selecting textbooks (and observing academic freedom)

40.48, 40.49, 40.50, 38.08(1), 38.09(3), 40.809(12)

yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

43.21, 38.07(2), 40.30(15), 30.809(5) and (6)

yes 10. Financing acquisition by rent or purchase

see Part II for discussion of local taxation
see No. 19 below "state aid"

no 11. Regulating use of AV aids and keeping statistics on use and using personnel

yes 12. Distributing AV aids

Perhaps the same as for library books, sec. 43.21.
See No. 9 above.

no 13. Producing AV aids

yes 14. Certificating teachers and AV professionals

39.02(21, 40.43

no 15. Prescribing qualifications of using personnel

State: Wisconsin

PART IV (continued)

Yes or
No

yes 16. Accrediting schools

15.98

yes 17. Building or remodeling schools to facilitate AV use

38.07, 40.809(4), 40.811, 40.22 (4 and 5), 40.86(2 and 7), 40.29(2), 40.305

yes 18. Federal aid to schools

39.02(26)

yes 19. State aid to schools

Art. X, sec. 2, 4 and 5 of Constitution, 43.19, 43.21, 40.66, 40.70, 40.71, 20.005, 20.650

yes 20. Private aid to schools

38.085, 40.301

yes 21. Library programs

43.17-43.24

no 22. Research programs

yes 23. Institutes

39.02(17), 39.02(18), 39.11, 39.16

yes 24. Other established procedures

40.809(11), 40.30(20)

State: Wisconsin

Part IV - continued (4)

Topic 2 - planning

Whatever planning is done is evidently by the State superintendent who has concentration of power and broad authority under Sec. 39.02 and no State board to restrict his activities.

Topic 3 - curriculum

State superintendent shall prepare and publish courses of study and furnish copies to the school district boards, Sec. 39.02(10). There is nothing to indicate whether or not this is only a general plan or a detailed plan.

Sec. 39.10(3) gives the county superintendent the duty to inquire into matters relating to courses of study, and his annual report to the county board, Sec. 39.10(10) might extend to recommending changes.

Sec. 40.46 relates to "curriculum" and prescribes fundamental courses for elementary schools and certain civic and moral courses.

Sec. 40.89 states that a high school board shall determine, with the advice and consent of the State superintendent the course of study.

Under Sec. 38.09 relating to Milwaukee a committee of the city board of education "shall determine the courses of study... for the schools", subject to final action by the board, specific general courses are prescribed for elementary schools, and the same committee has the function of approving the time and grade levels for teaching them as prescribed by the city superintendent, ibid., subsection (3). In the high schools of Milwaukee, the "course of study...shall be liberal, and shall embrace such studies as the board and the superintendent may deem proper", Sec. 38.5.

Topic 4 - advising on AV

Sec. 39.02(1) the general supervision of the State superintendent over public schools and his duty to spread knowledge on means and methods to improve them would no doubt extend to advising on AV.

Sec. 39.02(4) requires this officer to advise with principals and local officials of schools.

Sec. 39.02(10) his duty to prepare and publish courses of study might extend to AV.

Part IV - continued (5)

Sec. 39.02(17) requires him to supervise teachers' institutes which would provide a convenient form for advising on AV.

Sec. 39.02(18) requires him to hold annual conventions of county and city superintendents and supervising teachers and affords similar form for advising on AV.

The county superintendent has prescribed duties which would provide opportunity, at least, to advise on AV, e.g.

Sec. 39.10

(1) provide educational leadership

(2) visit schools under his administration

(3) inquire into courses of study and modes of instruction

(4) keep informed on new techniques and procedures of instruction

(5) advise school boards and teachers on their powers and duties

Sec. 39.12 - he may annually hold one or more school board conventions for the purpose of consultation, advice and instruction pertaining to schools of his county.

The city superintendent, charged with general supervision of the professional work of the schools, Sec. 40.819, subsec. 1, might appropriately advise teachers on AV use; and under subsec. 2, requiring his recommendations to the board, he might advise board members on this subject.

The supervisory power of the Milwaukee superintendent over all city schools, employees and teachers, and his duty to serve as advisory member of all committees of the city board of education and make recommendations to it and its committees, Sec. 38.09, give similar opportunity and obligation to advise on AV use.

Topic 5 - organizing AV units

While the State superintendent has general supervision over the public school system, Sec. 39.02, and no doubt has authority to organize AV units at the State level, this function may not extend beyond the degree of advising on organization at the operating level as indicated in ibid., subsec. 4.

School boards operating under the city school plan have specific authority to "establish and organize high schools, elementary schools" and special schools, Sec. 40.809, subsec. 1, and to adopt rules "for the government of the schools", ibid., subsec. 14. The authority of the city superintendent for "general supervision of the professional work of the schools", Sec. 40.819, might perhaps extend to organizing AV units, but at least his authority and duty to make recommendations to the board could be extended to this subject, ibid.

In Milwaukee, the school board has authority, under Sec. 38.08, subsec. 2, to make rules "for the organization... and management of the public schools..." But the city superintendent of schools, under Sec. 38.09 shall have, under the direction of the board, "a general supervision of the public schools" and of all administrative and teaching personnel in the school system. He makes his recommendations on various subjects to the appropriate committee, ibid., and if he does not organize, he must at least recommend organization and get the approval of the board.

In other types of districts, the district board has authority, under Sec. 40.30, subsec. 17, to "make rules for the organization, gradation and government of the schools..." which should be sufficient for this purpose.

Topic 7 - selecting AV aids

Same general authority as for curriculum may be relevant.

Topic 8 - selecting textbooks

In Milwaukee, the board "adopts...suitable textbooks", Sec. 38.08(1). While its own special committee, consisting of the president and four other members, "shall determine the...textbooks for the schools", all actions of this committee are "subject to amendment, rejection or confirmation by the board", Sec. 38.09(3).

In cities operating under the "city school plan", the school board has authority to "determine what textbooks shall be used in the schools", Sec. 40.809(12).

In common school districts, the board "shall adopt all the textbooks necessary for use in the schools", subject to the power of the county textbook board to adopt and supply books, Sec. 40.48(1). This proviso becomes operative only if a majority of all districts in a county, except those maintaining a high school, vote at the annual county school board convention to adopt uniform textbooks and elect a county textbook board of 3 to 5 members, Sec. 40.49(1). This board, composed of qualified teachers with at least five years experience, ibid., subsec. 3, "shall select and adopt a series of textbooks, covering all branches of study required to be taught below the ninth grade", ibid., subsec. 9; and "the books so selected shall be used in all school districts of the county, except those maintaining high schools and graded schools of the first class", ibid., subsec. 10.

Under Sec. 40.50, "no book shall be adopted for use or be used in any public school which falsifies the facts regarding the history of our nation, or which defames our nation's founders, or misrepresents the ideals and causes for which they struggled and sacrificed, or which contains propaganda favorable to any foreign government." Upon complaint that any textbook contains prohibited material, the State superintendent holds a public hearing and makes a determination of the question, ibid.

Topic 9 - acquiring AV aids, etc.

Pursuant to Sec. 43.21, county, district, or 4th class city superintendents select books required for school libraries, and these are supplied to the several schools through the State superintendent and charged against their respective shares in the Common Fund School Income, Sec. 43.19.

In Milwaukee, if the board "contemplates the purchase of materials, equipment and supplies not to be used for new construction projects at an estimated cost of $2,000 or more it must advertise for bids", Sec. 38.07(2).

In common school districts the board may purchase "such equipment, books, school apparatus and heating and ventilating apparatus, as may be approved by the State superintendent or by the county superintendent for the use of schools, not exceeding $600 in any one year, from any funds not otherwise appropriated"; but this limitation of $600 does not apply to school boards in districts maintaining a high school and at least one graded school, Sec. 40.30(15).

In cities operating under the "city school plan", the board is authorized to "purchase...school equipment and apparatus", Sec. 40.809(5), and to "contract for the necessary fuel, light, water and supplies for the schools", ibid., subsec. 6.

Topic 10 - financing acquisition

See Part II for discussion of local taxation.

See No. 19 below "State aid".

Topic 12 - distributing AV aids

Perhaps distribution of such equipment as films might be made under the same procedure as that for school library books, Sec. 43.21. See No. 9 above.

State: Wisconsin

Part IV - continued (8)

Topic 14 - certificating teachers

The State superintendent shall "license all teachers for the public schools of the State, and make rules and regulations and prescribe standards of attainment for the examination, licensing and certification of teachers within the limits prescribed in Sec. 40.43(3)...", Sec. 39.02(19).

Sec. 40.43 states that any person who desires to teach in any of the public schools shall procure a certificate from the State superintendent (subsec. 1), but this official may revoke such certificate for incompetency or immoral conduct, after notice and hearing (subsec. 5).

Subsection 3 reads in part as follows:

"No certificate to teach in any common school shall be issued unless the applicant has completed 2 years of school work beyond the work of the high school, which shall be devoted to pedagogical instruction and training..."

Subsection 6 reads as follows:

"In granting certificates for the teaching of courses in economics, social studies and agriculture, adequate instruction in co-operative marketing and consumers' co-operatives shall be required. In granting certificates for the teaching of the courses in science and social studies adequate instruction in the conservation of natural resources shall be required."

No other statutory requirements have been found.

Topic 16 - accrediting schools

Sec. 15.98 relates to a function of the Governor's Educational Advisory Committee, which otherwise seems to have very little if any direct impact upon the public school system in Wisconsin. Under provisions of this statute, described as "Certification of Schools Generally", this Committee is authorized to

(subsec. 2) "Establish rules, standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses, and to encourage schools to maintain courses, curricula and instruction consistent in quality, content and length comparable to recognized and accepted courses offered in schools with similar vocational and training objectives."

(subsec. 3) "Publish a list of schools and courses meeting standards and criteria as prescribed by the Committee from time to time."

It is possible that these provisions are relevant only to commercial undertakings, not to public schools.

No specific reference has been found to any system for accrediting schools on the basis of the types of courses offered or kind of equipment used in teaching. The general supervisory power of the State superintendent over all public schools, Sec. 39.02(1), (4), et seq., should extend to the operation of any system of accreditation which might be established. Furthermore, he has authority under Sec. 39.02(10) to prepare and publish courses of study for the public schools, which might be taken as a standard of performance to be met.

Topic 17 - buildings

The only statutory authority which might be invoked to facilitate the use of AV aids through new construction or remodelling of buildings is the general authority relating to erecting or remodeling school buildings:

In Milwaukee, Sec. 38.07, the board has power of decision in the erection, improvement, enlargement and leasing of school buildings.

In a city operating under the "city school plan", the board has power of decision in acquiring school sites and employing architects and engineers, Sec. 40.809(4), but deeds and leases must be taken in the name of the city, ibid. The board lets construction contracts to the lowest bidder, Sec. 40.811(2), and money appropriated for school construction is under control of the board, ibid., subsec. 1.

In a common school district, the annual "meeting", that is the voters, designate school sites and provide for the erection, Sec. 40.22, subsec. 4, and equipment and maintenance, ibid., subsec. 5, of suitable school building.

In a high school district, the annual "meeting" has the same power, Sec. 40.86(2) and all powers of the common school district, ibid., subsec. 7.

In both of these districts the school board has the duty to maintain buildings suitably equipped, Sec. 40.29(2), and through the budget machinery described in Part II above would make recommendations by presenting questions on construction to the annual meeting. After authorization by the "meeting", the school board may contract with a building corporation for the construction, equipping, leasing and re-leasing of school buildings, Sec. 40.305.

Topic 18 - Federal aid

Sec. 39.02(26) authorizes the State superintendent to "accept federal funds for any function over which the State superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds."

Topic 19 - State aid

Local financing is discussed in Part II above.

Article X, Sec. 2 of the Constitution establishes a "school fund" from proceeds of land grants to the State by the Federal government for educational purposes (except those for a university) property escheated to the State, money paid for exemption from military duty, clear proceeds of all fines collected in the counties for breach of penal laws, moneys from grants made to the State for unspecified purposes, land to which the State became entitled by Act of Congress of September 4, 1841, and the 5% income from proceeds of certain public lands to which the State became entitled upon admission to the union.

All income from the "school fund" so established, shall be exclusively applied, by terms of this Constitutional provision to:

"1. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

"2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor." (emphasis supplied)

Article X, Sec. 4 requires each town and city to raise by tax, annually, for support of their schools a sum not less than one half of the amount received by them for school purposes from the income of the "school fund".

Article X, Sec. 5 states that provision shall be made by law for distributing income from the school fund among the several towns and cities of the State for support of the common schools, in some just proportion to the number of children of school age resident therein, but that no such appropriation will be made to the city or town for the year in which it fails to raise its local tax.

Sec. 25.21 sets apart in a perpetual "Common School Fund" all moneys accruing to the State by virtue of Article X, Sec. 2 of the Constitution, and Sec. 25.23 provided that they should be distributed in accordance with provisions of Secs. 43.19 and 43.21.

The legislature provided in Sec. 43.19 a formula for distributing income from the "school fund" among the several school districts proportional to their census of children of school age. Sec. 43.21 relates to the use of some of these funds for school libraries.

Sec. 40.66 states the policy of the State to afford State relief to the local burden of a general property tax for school support, and Secs. 40.70 and 40.71 establish equalizing formulas and elastic procedures for applying for and receiving State aid.

Such aid is in addition to that derived from the "school fund" and comes in the form of State appropriations for the schools from general revenue. Secs. 20.005 and 20.650 show the then current appropriations of the legislature for this purpose.

The 39th Biennial Report of the State Department of Public Instruction, 1957-59, shows on p. 91 that the State support of school costs, while substantial, was only 24.2% of the total, the rest being borne by local districts from tax collections on local property assessments.

Topic 20 - private aid

Sec. 38.085 grants to the school board of Milwaukee and Sec. 40.301 grants to other school boards, in almost identical language, authority to accept and administer all kinds of gifts and grants for the benefit of their schools.

Topic 21 - library programs

Secs. 43.17-43.24 relate to school libraries, the administration of them, and supplying books to them against their share in funds distributable from the "school fund".

Under Sec. 43.17, the State superintendent is required to aid in promoting the establishment, maintenance and control of such libraries, and to prescribe regulations for their management. He must advise in the selection of books and prepare lists for distribution to subordinate school districts and officials. He is also authorized to suspend the operation of the "school library law" for one year for any school district which shows that it has expended or provided funds for the local library equal to the amount it would receive from the operation of that law -- evidently the automatic supply of books for the library under Sec. 43.21, referred to above. This is not entirely clear, but it would seem to operate in a way to make available to a school district for other purposes its share in the "school fund" which otherwise would be expended automatically for the purchase of books for the local school library.

Topic 23 - Institutes

The State superintendent shall supervise public school teachers' institutes, Sec. 39.02(17).

He shall hold annual conventions of county and city superintendents and supervising teachers, Sec. 39.02(18). See also Sec. 39.11.

The county superintendent may conduct one or more institutes each year for teachers in his district, Sec. 39.16.

Topic 24 - Other procedures

In Part II reference is made to authority of school boards in the several types of districts to pay membership fees in an organization of school boards and to pay the expenses of their respective representatives attending meetings of such associations.

Sec. 40.809(11) for city school district, and Sec. 40.30(20) for common school district.

WYOMING (1959-60)

Enrollment in full-time public schools:

Elementary	62,285
High School	19,146
Number of school districts (including non-operating)	223
Number of elementary schools	460
Number of high schools (including junior high)	123
Expenditure per pupil in average daily attendance	$450

Source: U. S. Department of Health, Education, and Welfare, Preliminary Statistics of State School Systems, 1959-60 OE-20006-60, pp. 6-7, 9, 11.

WYOMING

County and Independent School Superintendencies

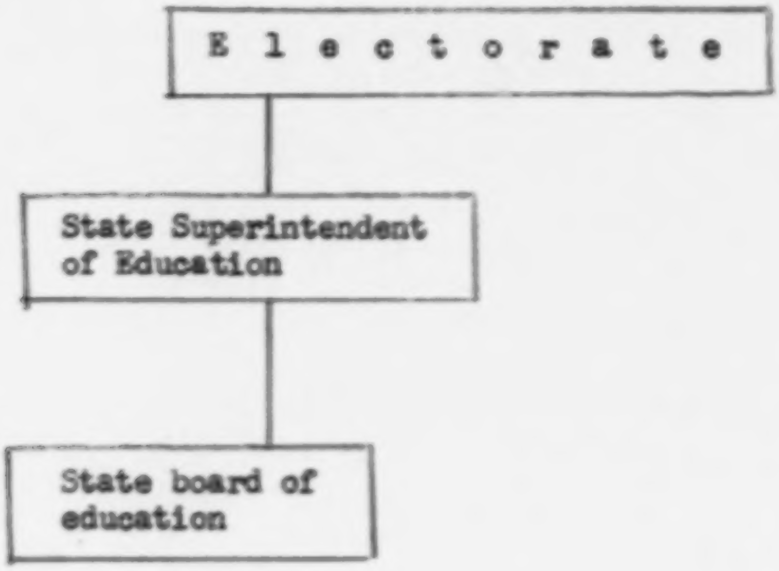
There are 107 school superintendencies in the State: 21 county-intermediate, 2 partial county-unit, and 84 independent city or town superintendencies. The superintendents in 18 of the 21 county-intermediate superintendencies perform all administrative functions for areas comprised of two or more local districts, each district operating its schools independently. In the remaining 3 counties, the county superintendent performs mainly a service function.

Source: U. S. Department of Health, Education, and Welfare, Education Directory, 1960-61, Part 2, OE-20005-61, p. 201.

Source: U. S. Department of Health, Education, and Welfare, The State and Education (OE-23008), Washington, 1960, pp. 158-160, as amended by Wyoming Session Laws 1959, Chapter 109.

WYOMING

1. State Educational Structure Chart (relating only to elementary and secondary public schools)



2. State Education Boards

   a. Schools....

   State Board of Education.--Composed of 7 members, at least 2 of whom shall be persons actively engaged in educational work. The State superintendent of public instruction shall be ex-officio member of such board and shall have the right to vote. The other 6 members shall be appointed from among the citizens of the State in such a manner that the different parts of the State shall be represented, and not more than 4 members shall be from one political party. They shall serve for overlapping 6-year terms. They shall be appointed by the State superintendent of public instruction with the approval of the governor, and shall be appointed solely because of their character and fitness.

   b. Supplementary programs

   State Reviewing Board (administrative).--Consists of 5 members appointed by the superintendent of public instruction for overlapping 5-year terms. This board reviews requests of districts for additional State pupil transportation aid.

S

Wyoming State Committee for Reorganization of School Districts (administrative) --Composed of 9 members, the State superintendent of public instruction ex officio and 8 persons appointed by the State board of education for overlapping 4-year terms, 2 being selected each year. The appointed members are chosen from among the representative citizens of the State without regard to political affiliation. Not more than 3 members of the committee are persons engaged in the profession of education. The committee administers the State program for the reorganization of school districts. This program is being conducted to provide a more nearly equalized educational opportunity for pupils in the public elementary and secondary schools, a higher degree of uniformity in school tax rate among districts, and a wiser use of public funds expended for the support of the public school system.

3. Chief State School Officer

The State superintendent of public instruction is a constitutional officer elected on a partisan ballot for a 4-year term. To qualify for this office a person must have attained the age of 25 years, be a citizen of the United States, and have the same qualifications as State electors.

The State superintendent of public instruction shall exercise general control and supervision of the public schools and the educational interests of the State. He shall consult with and advise with boards of education, county and city superintendents, supervisors, principals, teachers, and other such school officers and citizens, and seek in every way to develop public sentiment in support of progressive education.

7. Coordination of the State Education System Through Structure

The superintendent of public instruction and the State board of education share the responsibility for the coordination of the State program of elementary and secondary education and .....

8. Coordination of the State Education System Through Ex Officio Memberships

The superintendent of public instruction is an ex officio member of the State board of education, the board of trustees of the University of Wyoming....

9. Fiscal Coordination

Two State educational agencies submit budgets to the governor. These are the State department of education (the State superintendent of public instruction and the State board of education are jointly responsible for the department budget)....

The governor appoints an assistant budget officer to make such inquiries and investigations of financial needs, expenditures, estimates, or revenues as are necessary. This assistant is appointed for a 2-year term. The governor may, after giving each educational agency a chance to be heard, approve, disapprove, or alter the estimates submitted. The revised budgets are then incorporated into the State budget. The law directs the governor to submit the State budget to the legislature not later than five days after the legislature convenes.

State: Wyoming

Source of information unless otherwise stated: Wyoming School Laws 1958, compiled by The State Department of Education.

PART I

Educational Organization

State level:

Department of Education: called

how organized:

established by:

is it a body corporate:

State Board of Education: called State Board of Education, Sec. 67-104

established by: Sec. 67-104

is it a body corporate:

composition: 7 members, Sec. 67-104

how selected: Appointed by the State Superintendent of Public Instruction, Sec. 67-104

is confirmation necessary: Approval by Governor, Sec. 67-104

subject to what control:

to whom reporting:

term of office: 6 years, Sec. 67-104

Chief state school officer: called State Superintendent of Public Instruction, Sec. 31-102

office established by: Sec. 31-102

how selected: Elected by voters, Sec. 31-102

is confirmation necessary: No

subject to what control:

to whom reporting:

term of office: 4 years, Sec. 31-102

staff and who appoints:

Other organization or official: called

State: Wyoming

PART I

Educational Organization (continued)

Intermediate level:

Organizational unit: called

how organized:

composition:

is it a body corporate:

Board of education, if any: called

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit; called Commissioner of Education

office established by: Sec. 67-118

how selected: Appointed by State Board of Education, Ibid.

is confirmation necessary: Approved by Governor, Ibid.

subject to what control: State Superintendent, Sec. 67-119

to whom reporting: State Superintendent, Sec. 67-119

term of office:

staff and who appoints:

State: Wyoming

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called County School District

how organized:

composition: County

is it a body corporate: Yes

Board of education: called

established by:

is it a body corporate:

composition:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

Administrative officer of unit: called County Superintendent of Schools Sec. 67-102

office established by: Sec. 67-102

how selected: Elected by voters, Sec. 67-102

is confirmation necessary: No

subject to what control:

to whom reporting: Superintendent of Public Instruction, Sec. 27-1106.

term of office: 4 years, Sec. 27-1103

staff and who appoints: Deputy and clerical assistants, appointed by County Superintendent with consent of Board of County Commissioners, Sec. 27-404

State: Wyoming

PART I

Educational Organization (continued)

Local level or independent

Organizational unit: called Local school district within county

how organized:

composition:

is it a body corporate:

Board of education: called District School Board

established by: Sec. 67-601

is it a body corporate: Yes, Sec. 67-605

composition: 3 trustees, Sec. 67-603

how selected: by voters, Sec. 67-603

is confirmation necessary: No

subject to what control: County Superintendent

to whom reporting:

term of office: 1 year, sec. 67-603

Administrative officer of unit: called Director, Sec. 67-604

office established by: Sec. 67-603

how selected: Chosen by members of the board, Sec. 67-603

is confirmation necessary: No

subject to what control: County Superintendent

to whom reporting: County Superintendent

term of office: 1 year, Sec. 67-603

staff and who appoints:

State: Wyoming

PART I

Educational Organization (continued)

Local level or indeoendent

Organizational unit: called High School District, Sec. 67-901

how organized: By election, Sec. 67-901

composition: Any number of organized school districts, Sec. 67-901

is it a body corporate:

Board of education: called Board of Trustees, High School District Sec. 67-912

established by: Sec. 67-912

is it a body corporate: Yes, each high school district, Sec. 67-902

composition: 6 trustees, Sec. 67-912

how selected: Elected, Sec. 67-912

is confirmation necessary: No

subject to what control:

to whom reporting:

term of office: 3 years, Sec. 67-912

Administrative officer of unit: called

office established by:

how selected:

is confirmation necessary:

subject to what control:

to whom reporting:

term of office:

staff and who appoints:

State: Wyoming

PART I

Educational Organization (continued)

Schools

Principals

appointed by:

qualifications:

term of office:

Teachers

appointed by: District board, Sec. 67-625

qualifications:

certification: Determined by State Board of Education, Sec. 67-116

tenure:

special assignments:

State: Wyoming

Source of information unless otherwise stated: Wyoming School Laws, 1958, including Statutes of the 36th Legislature Concerning Education, 1961

PART II

General Powers and Duties of Organizations and Officials

(Those general powers and duties of organizations and officials, at all levels, which might be interpreted to apply to AV material and programs, in the absence of specific legislation, referred to and analyzed in subsequent categories.)

Section 67-101: "The general supervision of the public schools shall be entrusted to the State Superintendent of Public Instruction, who shall administer the State system according to law for the best interests of the people and of the state, making such rules and regulations as may be necessary for the proper and effective administration of the same."

Section 67-105: "The State Superintendent of Public Instruction shall exercise general control and supervision of the public schools and the educational interests of the state. He shall consult with and advise through the Commissioner of Education, with Boards of Education, County and City Superintendents, Supervisors, Principals, Teachers and other such school officers and citizens, and seek in every way to develop public sentiment in support of progressive education."

Section 18-601: "The duties of the superintendent of public instruction shall be as follows: He shall have a general supervision of all the district schools of the state, and shall see that the school system is,as early as practicable, put into uniform operation... He shall make all further rules and regulations that may be necessary to carry the law into full effect, according to its spirit and intent, which shall have the same force and effect as though contained herein."

Section 67-119: "The Commissioner of Education shall, under the general supervision and sirection of the State Superintendent of Public Instruction, execute the educational policies of the State Board of Education."

Section 67-121: "The Commissioner of Education~~er~~ shall devote his time, attention and energies to the faithful performance of the duties of his office as prescribed by law. He shall prepare and publish such pamphlets and bulletins as shall stimulate public interest in education and inform the public on the educational policies of the administration; shall make tours of inspection from time to time in the several counties of the

State: Wyoming

Source: Wyoming School Laws, 1958; with Statutes of the 36thLegislature, 1961.

PART II (Cont.)

state for the discussion and consideration of questions of public education;... shall advise with(boards and superintendents) on all matters pertaining to the management of the school system and shall arrange for such conferences, conventions, or institutes, as he may deem necessary, or as may be provided by law."

Section 67-102: "Educational matters affecting the county shall be under the supervision of the County Superintendent of Schools.

Section 67-616: "The district board shall make all contracts, purchases, payments, and sales, necessary to carry out every vote of the district, for procuring any site for a schoolhouse, renting, repairing or furnishing the same, and disposing thereof, or for keeping a school therein, and performing such other duties as may be delegated to them by the district meeting."

Section 67-810: "The Boards of Trustees and the officers of said Boards of said First Class Districts shall exercise all powers and perform all duties prescribed by law for the trustees and officers of Boards of other school districts in the State.

State: Wyoming

Source of information unless otherwise stated: Wyoming School Laws
1958; with Statutes of the 36th Legislature, 1961

PART III

Legal Authority Relating Specifically
to AV Media and Their Use

(List by type: charts, exhibits, filmstrips, flat pictures, maps and globes, models, posters, radio programs, recordings, slides, television programs, teaching machine programs, other non-book instructional materials; or by specific nomenclatures used by the State.)

Wyoming has no specific legislation which would relate to AV media.

State: Wyoming

Source of information unless otherwise stated: Wyoming School Laws, 1958; with Statutes of the 36th Legislature, 1961

PART IV

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

WORK SHEET

Check list of categories for showing by "yes" or "no" whether or not either specific or general authority has been found and is referred to in following pages by category, identified by number and subject. Note: No. 1 reserved for other purposes.

Show citation and brief description, with any necessary comments and references, for (a) specific authority referring to AV, and (b) general authority which might be invoked, and show for both (a) and (b) the nature of the authority, if indicated, with respect to leadership, advice, recommendation, decision, administration, and reporting.

Yes or No

No 2. Planning the use of AV aids

Yes 3. Preparing curricula

67-114, 67-122, 67-1401, 67-1402, 67-925, 67-1405

No 4. Advising subordinate units and teachers on use of AV aids and publishing lists of material available

No 5. Organizing AV units and cooperative activities

No 6. Conferring on AV use outside of State educational structure

State: Wyoming

PART IV (continued)

Yes or No

No 7. Selecting AV aids (and observing academic freedom)

Yes 8. Selecting textbooks (and observing academic freedom)

Article VII, Sec. 11 of the Wyoming Constitution; 67-124, 67-1801

Yes 9. Acquiring AV aids and school supplies, equipment, and textbooks

19-1501

Yes 10. Financing acquisition by rent or purchase

67-616, 20-804, 20-806, 20-807, 20-808

No 11. Regulating use of AV aids and keeping statistics on use and using personnel

No 12. Distributing AV aids

No 13. Producing AV aids

Yes 14. Certificating teachers and AV professionals

67-126, 67-128, 67-129, 67-130, 67-131, 67-132

Yes 15. Prescribing qualifications of using personnel

67-126, 67-115, 67-121

State: Wyoming

PART IV (continued)

Yes or No

Yes 16. Accrediting schools

67-114, 67-122

Yes 17. Building or remodeling schools to facilitate AV use

67-922, 67-304

Yes 18. Federal aid to schools

67-222, 67-213, 20-401, 18-403, 18-404, 18-406

Yes 19. State aid to schools

Article VII, Secs. 2,3,7, and8 of the Wyoming Constitution; 67-223, 18-603, 67-2302, 67-2303, 67-2304, 67-2305, 67-2307, 67-2308, 27-1101

Yes 20. Private aid to schools

67-934, 20-201

Yes 21. Library programs

26-505

No 22. Research programs

Yes 23. Institutes

67-112, 67-113, 67-114

No 24. Other established procedures

State: Wyoming

Source of information unless otherwise indicated: Wyoming School Laws, 1958; with Statutes of the 36th Legislature, 1961

PART IV (Cont;)

Functional and institutional categories of legal authority which relate, or might relate, to AV media and their use

Topic 3:

Section 67-114 states that the State Board shall prescribe standards regulating the general course of study for both the elementary schools and the high schools. The Board is also directed to provide for the printing and distribution of a suggestive State course of study. Pursuant to section 67-122, the Commissioner of Education prepares and submits for approval and adoption a suggestive course of study. It is the duty of the County Superintendent to cause those subjects prescribed to be taught in the public schools, according to section 67-1401. That section contains an important proviso; A principal or superintendent in any district with supervision over three or more teachers may amend and change the course of study in such manner as will, in his judgement, apply more directly to the local conditions. This does not appear to permit elimination of prescribed subjects. Section 67-925 directs High School Districts to provide such courses of study as will prepare and fit any student for admission to the State University. As for Americanization Education, it is the State Board who fixes the standards applicable therein. This language may be found in section 67-1405.

Topic 8:

Article VII, section 11 reads: "Neither the legislature nor the superintendent of public instruction shall have power to prescribe textbooks to be used in the public schools!" On the other hand, the Commissioner of Education is authorized by section 67-124 to publish lists of approved textbooks, from which superintendents, teachers, and trustees may select those books they deem most suitable. Section 67-1801 provides that the Board of Trustees of each school district shall purchase all textbooks necessary for its district.

Topic 9:

Section 19-1501 in stating the policy that all purchasing agents are to prefer supplies and materials from Wyoming, lists boards, commissions, and governing bodies of state institutions as purchasing agent for their respective institution.

State: Wyoming

PART IV(Cont.)

Topic 10:

Section 67-616, already quoted in Part II, has additional relevance to this topic. In the case of municipalities the budget officer is described by section 20-804. In that section it also provides for local authorities to designate another appropriate person. These officers, the county clerk or city clerk, are to receive a detailed schedule of the estimated requirements of every department and agency. This function is found in section 20-806. The budget for the complete municipality is supposed to present, according to section 20-807, a complete financial plan, setting forth all proposed expenditures for all offices. Section 20-807 lists more specific expenditures which are to be included in the budget. Section 20-808 contains the final contents of the budget

Topic 14:

Section 67-126 creates a certification division in the State Department of Education. Its chief officer is the Commissioner of Education. In section 67-128 two methods for obtaining certificates are named, through examination and upon credentials. The certificates are issued from the office of the superintendent of public instruction upon the recommendation of the certification division. The County Superintendent is directed by section 67-128 to cooperate with the Certification Division in administering examinations and distributing their certificates. Section 67-129 provides for the examinations. It states that the Certification Division shall determine the number of examinations to be given during the year and whenever deemed advisable. The classes of certificates are listed in section 67-130. All certificates must be registered annually at the office of the County Superintendent of the proper county, according to section 67-131. The State Superintendent of Public Instruction is directed by section 67-132 to issue certificates to superintendents, supervisors, principals, and teachers on the recommendation of the State Board. In so doing he is to make arrangements for holding examinations.

Topic 15:

Section 67-115 directs the State Board to prescribe and publish annually courses of reading for teachers. It also permits the Board to take such methods as may be deemed necessary to train teachers. Under the authority granted by section 67-116, the Board also prescribes rules for administering the laws governing certification of superintendents, supervisors, principals, and teachers. Section 67-~~114~~ 121 has been included in Part II.

State: Wyoming

PART IV (Cont.)

Topic 16:

Section 67-114 confers the authority to prescribe standards regulating the course of study in schools on the State Board. It also directs the Board to provide for the grading and standardization of elementary and high schools. It includes setting up standards to receive State funds. The Commissioner of Education is to prepare regulations and suggestions for standardizing and grading schools for the use and guidance of the District Board. This language is found in section 67-122.

Topic 17:

Section 67-922, which provides for the obtaining of high school buildings by the Board of Trustees, directs the Trustees to purchase material and let such contracts they deem proper for the necessary school building. Section 67-304 provides for a Reserve Fund for replacing equipment and school building repair. Whenever a majority of any board of trustees decide to do so, they may submit to their electors a proposal to authorize such a fund. Once approved, the board is allowed to include the amounts relative thereto in their annual budget.

Topic 18:

Section 67-222 designates the State Board as the proper agency to accept federal aid. It includes a proviso that the Act of Congress does not provide for matching funds. The State Treasurer is authorized to receive the money by section 67-213. Among the Acts of Congress under which the above is true are the Taylor Grazing Act provided for in section 201401, and the Forest Reserve Funds provided for in sections 202 403, 404, and 406.

Topic 19:

Within Article VII of the Wyoming Constitution there are a number of provisions concerning school revenues. Section 2 lists the funds which are considered perpetual. To these section 3 adds all other grants, gifts, and devises made to the State. Section 7 states that the income arising from those funds, together with all rents and such means as the legislature may provide, are to exclusively applied to the support of the schools. Section 8 states the general policy that distribution shall follow the number of school children of school age in each county.

Section 67-223 appoints the State Treasurer custodian of all funds appropriated. Section 18-603 is concerned with the distribution of the State Land Income Fund. Section 67-2302

State: Wyoming

PART IV(Cont.)

Topic 19: (cont.)

establishes the Public School Foundation Program Fund. The requirements for eligibility are listed in section 67-2303. The method of distribution follows in section 67-2304, as amended by Chapter 192 of the 36th Legislature. Section 67-2305 lists the amounts covered by the Program. Distribution is determined pursuant to section 67-2307. Payments are covered by section 67-2308.

Topic 20:

High School Districts are authorized to receive gifts by section 67-934. Section 22-201 provides that all grants and gifts made to the State shall be accepted and deemed trust funds in the hands of the State.

Topic 21:

While providing for the establishment of free libraries in the counties, section 26-605 mentions that rules and regulation for the management of a library are prescribed by the board of directors. The board of directors appears to have wide discretion, except that they must provide for the convenient use of the books.

Topic 23:

Section 27-1112 directs the County Superintendent to hold anual county teachers' institutes for the advancement and instruction of the teaching profession. This section also provides that the meetings are not less than one, nor more than two, days. The County Superintendent decides the time and place of the meeting, along with presiding thereat. All teachers engaged in teaching are required to attend. Two or more counties may hold joint institutes according to section 27-1113. The County Superintendent has the discretion to substitute local teachers' conferences. This power is granted by section 27-1114.